

PLANNING APPLICATIONS COMMITTEE

Wednesday, 13th November, 2024

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 13th November, 2024, at 10.00 am
Council Chamber, Sessions House, County Hall, Maidstone

Ask for: **Emily Kennedy**
Telephone: **03000419625**

Membership (13)

Conservative (10): Mr H Rayner (Vice-Chairman), Mrs R Binks, Mr A Booth, Miss S J Carey, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Mr O Richardson and Mr C Simkins

Labour (1): Ms J Meade

Liberal Democrat (1): Mr I S Chittenden

Green and Independent (1): Ms J Hawkins

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Election of Chairman
2. Apologies
3. Declarations of Interest
4. Minutes (Pages 1 - 4)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

1. Proposed installation, operation and decommissioning of ground mounted solar photovoltaic (PV) array with associated infrastructure and biodiversity enhancement at Weatherlees Hill Wastewater Treatment Works, Jutes Lane, Weatherlees Hill, Ramsgate, Kent, CT12 5DJ – TH/24/401 (KCC/TH/0041/2024) (Pages 5 - 50)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

There are no 'D' items for this meeting.

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. E1 - County matter applications (Pages 51 - 52)
2. E2 - County Council developments (Pages 53 - 54)
3. E3 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 55 - 56)
4. E4 - Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Pages 57 - 58)

F. KCC RESPONSE TO CONSULTATIONS

1. F1 - Proposed reforms to the National Planning Policy Framework and other changes to the planning system (Pages 61 - 122)
2. F2 - Public Consultation on New Evidence Base Documents – Tunbridge Wells Borough Council Local Plan (Pages 123 - 138)
3. F3 - Consultation on planning application 21/503906/EIOUT - Outline application for a proposed development at land to the West of Teynham, London Road, Teynham (Pages 139 - 202)
4. F4 - Consultation on planning application 21/503914/EIOUT - Outline application with all matters reserved for a proposed development at land south and east of Sittingbourne (Pages 203 - 264)

G. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 5 November 2024

(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)

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KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 11 September 2024.

PRESENT: Mr A Booth (Chairman), Mr H Rayner (Vice-Chairman), Mrs R Binks, Miss S J Carey, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Ms J Meade and Mr O Richardson

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications), Ms S Bonser (Solicitor), Adam Tomaszewski (Principal Planning Officer), James Bickle (Principal Planning Officer) and Ms E Kennedy (Clerk)

UNRESTRICTED ITEMS

1. Apologies

(Item A1)

Apologies were received from Mr Chittenden and Mr Simkins.

2. Declarations of Interest

(Item A2)

There were no declarations of interest.

3. Minutes

(Item A3)

RESOLVED that the minutes of the meeting held on 15 July 2024 were correctly recorded and that they be signed by the Chairman.

4. Site Meetings and Other Meetings

(Item A4)

There were no site visits scheduled. However, Members were invited to a briefing on the NPPF consultation.

5. CA/24/380 - (KCC/CA/0 235/2023) - Retrospective application for the erection of a Materials Recycling Facility and associated works. Shelford Farm Estate, Shelford Waste Management Facility, Broad Oak Road, Canterbury, Kent CT2 0PU

(Item C1)

1) Mr Tomaszewski, Principal Planning Officer outlined the report.

2) It was proposed by Chair and seconded by the Vice Chair:

That the officer's recommendation be adopted, namely:

That PERMISSION BE GRANTED, SUBJECT TO:

(i) conditions covering, amongst other matters:

- 1. Written notification of the date on which waste importation commences at the MRF shall be sent to the County Planning Authority within 7 days of such commencement.*
- 2. Carrying out the development in accordance with the submitted plans.*
- 3. The MRF shall operate only in accordance with the approved Dust Management Plan and Odour Management Plan.*
- 4. Waste entering the MRF for processing shall only be stored within the building itself and no waste shall be stored outside the building at any time.*
- 5. Waste must only be deposited into the MRF when the fast action vehicular roller doors are completely closed.*
- 6. A maximum throughput of waste of 150,000 tonnes per annum only shall pass through the MRF.*
- 7. Only commercial/industrial waste and construction, demolition and excavation waste types shall be accepted, handled and processed at the Materials Recycling Facility.*
- 8. The operator shall maintain records as to the origins, number and frequency of loads and quantities of waste which are brought to the site and such records shall be made available to the County Planning Authority upon request.*
- 9. The MRF shall cease to operate at the same time as the landfill operations (currently 2036) and the site restored in accordance with the approved restoration scheme.*
- 10. No MRF operations shall be carried out except between 0700 hours and 1800 hours Monday to Saturday, no operations other than environmental monitoring at the site shall take place on Sundays or bank/public holidays.*
- 11. The onward transfer of processed waste materials must be on a first in, first out basis and always within 72 hours of arrival at the MRF.*
- 12. Waste importation to the MRF shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the County Planning Authority and thereafter implemented as approved.*
- 13. No waste importation to the MRF (or within an agreed implementation schedule) hereby permitted shall commence until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted and approved in writing by the County Planning Authority and thereafter implemented as approved.*

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

15. *Provision and permanent retention of an Electric Vehicle charging facility prior to the use of the site commencing.*

16. *Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.*

17. *Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing.*

18. *Submission, written approval and subsequent implementation of an Ecological Enhancement Plan, within 3 months of planning permission being granted.*

19. *The restriction of permitted development rights condition.*

20. *No external lighting shall be installed without the prior written approval of the County Planning Authority. Any external lighting shall be designed, implemented, maintained and used in such a way as to minimise light spill.*

21. *All plant and equipment shall be maintained in good working order and in accordance with the supplier's or manufacturer's recommendations.*

(ii) informatives covering the following matters:

1. *The applicant is strongly encouraged to set up a Community Liaison Group and hold regular meetings with representatives from the operator and local community representatives.*

2. *Standard Highways informative confirming that planning permission does not convey any approval to carry out works on or affecting the public highway.*

3) Upon being put to the vote, the motion was declared CARRIED.

6. County matter applications

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the meeting on 15 July 2024 relating to:

E1 County matter applications.

7. County Council developments

(Item E2)

RESOLVED to note matters dealt with under delegated powers since the meeting on 15 July 2024 relating to:

E2 County Council developments.

8. 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 15 July 2024 relating to:

E3 - Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

9. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

(Item E4)

RESOLVED to note matters dealt with under delegated powers since the meeting on 15 July 2024 relating to:

Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

10. F1 - Fawkham Neighbourhood Plan – Regulation 16 Consultation

(Item F1)

RESOLVED to note Kent County Council's response to:

Fawkham Neighbourhood Plan – Regulation 16 Consultation

11. F2 - Sandhurst Neighbourhood Plan (2022-2038) - Regulation 14 Consultation

(Item F2)

RESOLVED to note Kent County Council's response to:

Sandhurst Neighbourhood Plan (2022-2038) - Regulation 14 Consultation

SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and also as might be additionally indicated.

Item C1

Proposed installation, operation and decommissioning of ground mounted solar photovoltaic (PV) array with associated infrastructure and biodiversity enhancement at Weatherlees Hill Wastewater Treatment Works, Jutes Lane, Weatherlees Hill, Ramsgate, Kent, CT12 5DJ – TH/24/401 (KCC/TH/0041/2024)

A report by Head of Planning Applications Group to Planning Applications Committee on 13 November 2024.

Application by Southern Water Services Limited for the proposed installation, operation and decommissioning of ground mounted solar photovoltaic (PV) array with associated infrastructure and biodiversity enhancement at Weatherlees Hill Wastewater Treatment Works, Jutes Lane, Weatherlees Hill, Ramsgate, Kent, CT12 5DJ – TH/24/401 (KCC/TH/0041/2024).

Recommendation: Permission be granted, subject to conditions.

Local Member(s): Derek Crow-Brown & Linda Wright

Classification: Unrestricted

Site

1. The proposed application site is located in an agricultural area to the northwest of Weatherlees Hill Wastewater Treatment Works (WTW), accessible via Jutes Lane and positioned west of the A256 Richborough Way. It lies approximately 1.8 kilometres southwest of Cliffsend and roughly 4 kilometres north of Sandwich, situated about 1 kilometre west of both the Port of Richborough and Pegwell Bay.
2. To the north of the site, there is agricultural land forming open countryside. Public Right of Way TE39 extends north from Richborough Way, approximately 550 metres north of the site. The northeastern boundary is marked by the Minster Stream, a part of several surface drains leading into the River Stour situated to the south and east. Beyond this stream lie small agricultural fields which have planning permission for the development of an electrical grid stability facility (reference TH/23/0170), connected to the high-voltage substation and energy park located to the south. Further northeast is a cluster of buildings known as Ebbsfleet Farm, which houses various local businesses and Great Oaks Small School. Beyond this is a dual carriageway section of the A256 Richborough Way. To the east of A256, you will find Stonelees Golf Course and Pegwell Bay Country Park. To the southeast lies Weatherlees Hill WTW, incorporating settlement tanks, aeration lanes, kiosks, operational buildings, and hard standing areas. Adjacent to it lies an existing solar farm with Richborough Energy Park (formerly called Richborough Power Station) further beyond, encompassing a 400kV high-voltage substation connected to the National Grid.
3. Immediately to the west, the land is designated as part of the Sandwich Bay to Hacklinge Marches Site of Special Scientific Interest (SSSI). Minster Marshes Local Wildlife Site (LWS) is about 250 metres southwest, with the River Stour and Ash Level

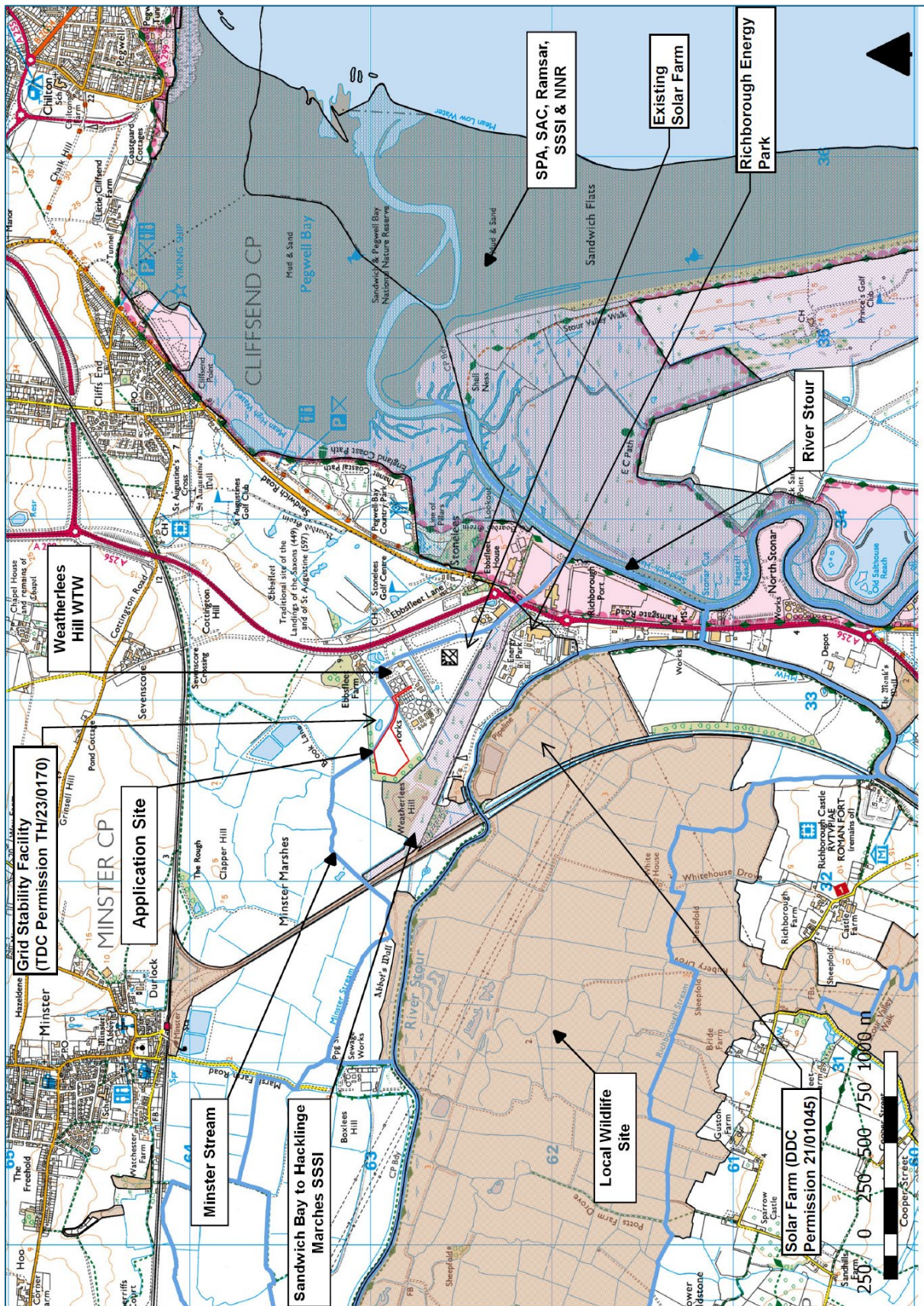
Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

and South Richborough Pasture LWS approximately 330 metres south. Public Rights of Way TE26 and EE42 run along the riverbanks. The mainline railway passes roughly 450 metres west of the site.

4. The coastline is around 1.5km from the site, with the main section of the Sandwich Bay to Hacklinge Marches SSSI located about 900 metres away, within a coastal area stretching from Pegwell Bay south to Deal. This region is designated due to its sand dunes and supporting habitats. This stretch of coastline, along with the River Stour Estuary as it exits from Sandwich, is also recognised as part of the Thanet Coast & Sandwich Bay Special Protection Area (SPA) and Ramsar site, and Sandwich Bay Special Area of Conservation (SAC). This coastline also includes Sandwich and Pegwell Bay National Nature Reserve (NNR).
5. The application site is situated in open countryside, with the land classified as grade 3a best and most versatile (BMV) agricultural land. The site is with Flood Zone 1, with some sections having a low/medium risk of surface water flooding. The eastern part of the site is recognised for its archaeological potential. The site is part of the Lower Stour Wetlands Biodiversity Opportunity Areas (Policy SP31 of the Thanet Local Plan), which are designated areas where maximum biodiversity benefits can be achieved through habitat enhancement, restoration, and recreation.
6. The area falls within the Stour Marshes Landscape Character Areas (Policy SP26 of the Thanet Local Plan). The Thanet Landscape Character Assessment describes the Stour Marshes as an area comprising medium scale irregular arable fields defined by drainage ditches and small streams draining into the River Stour and River Wantsum to the south and west. Tree cover is largely limited to field boundaries with reeds lining some drainage ditches forming a distinctive pattern. Some small corpses are occasionally found along field boundaries but this is generally a very open, horizontal landscape. Towards the eastern end, sewage works, golf courses and a solar farm are associated with the Sandwich corridor.

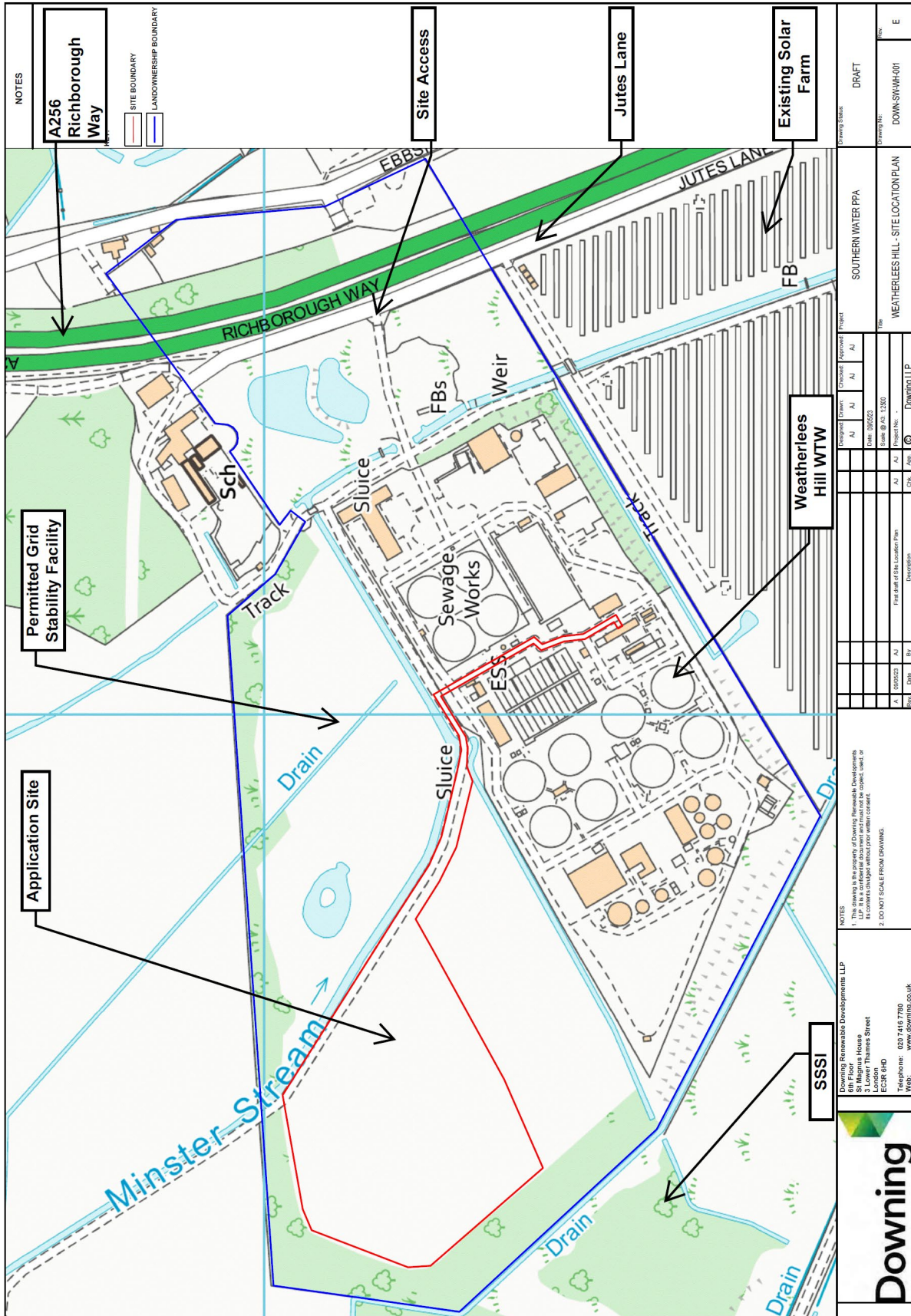
Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

General Location Plan



Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

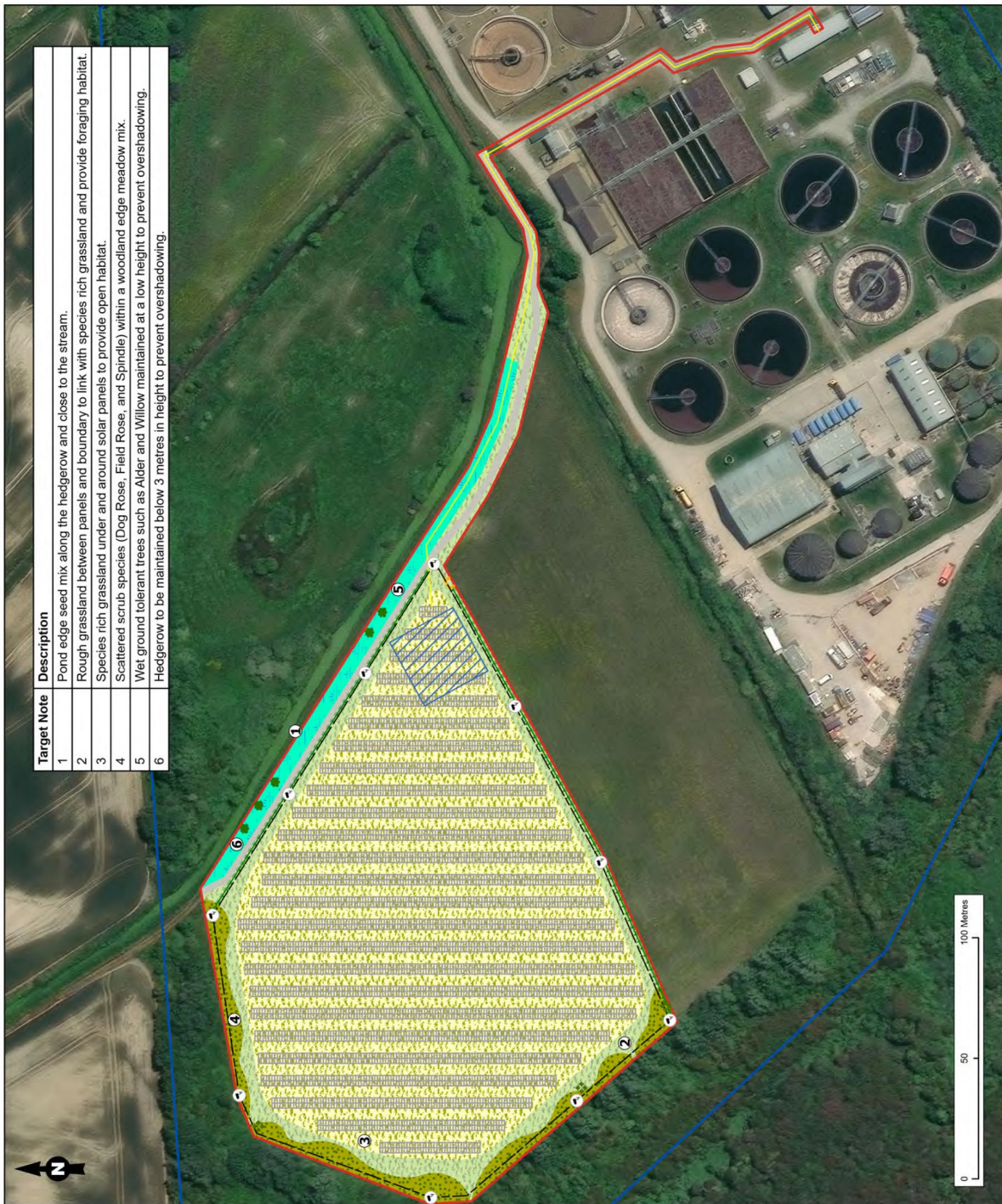
Site Location Plan



Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

Illustrative Landscape Masterplan

Legend Landscape Design Site Boundary Ownership Boundary Temporary Construction Compound Fence CCTV Access Solar Array 01 - PV Supply - By Others Fence Landscape Design Hibernacula Proposed Tree * Target Note Access Track ** Rough Grassland Riparian Zone Scrub and Woodland Edge Meadow Species Rich Grassland Native Species Hedgerow		* Trees need to be cut back/coppiced regularly every 3-5 years, to maintain their height below 3m. ** The track is indicative only, all offsets, widths, full road layouts and vehicle tracking to be determined at detailed design.
Figure Title Illustrative Landscape Masterplan		Project Name Weatherlees Hill Wastewater Treatment Works
Date July 2024		Project No./Filey ID 1620015344-005 / REH2023N00012
Prepared By MFT		Figure No. 1.4
Client Downing Renewable Developments LLP		Revision 2.0
Scale 1:1,500 @A3		Figure No. 1.4



Coordinate System: British National Grid. Projection: Transverse Mercator. Datum: OSGB 1936.

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Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

Equipment Details

NOTES:
 1. All dimensions are in millimetres unless otherwise stated.
 2. THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSES OF THE PROJECT AND ALL DIMENSIONS SHALL BE USED AS SHOWN.

Revision Details	By	Checked	App'd	Date	Issued
OUTLINE DESIGN					
Downing					
Project: SOUTHERN WATER GROUND MOUNTED SOLAR WORKS					
Drawing Title: GENERIC TYPICAL EQUIPMENT & MATERIAL DETAILS					
Project No:	AS 392006	Scale @ A1:	AS 392006	App'd:	AJ
Drawn:	DMK	Checked:	AJ	Date:	05/04/23
Date:	05/04/23	Date:	05/04/23	Date:	05/04/23
Drawing: Renewable Developments LLP					
Site: 1 Lower Thames Street, EC2R 6HD					
Telephone: 020 7416 7780					
Web: www.downing.co.uk					
Drawing Number:	DOWN-SW-GEN-001				
Rev:	C				

No foundations needed in this instance

All changes to this CAD generated drawing MUST be made via the master CAD file.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

Background / Recent Site History

7. The site has been in continuous agricultural use in recent history. The land was separated from the larger fields to the north in the 2000s. The application indicates that the arable field has been regularly managed, however the tenant farmer has left the field fallow for some years, “greening” the land to help with the wider farms environmental stewardship subsidy. Following a review of the commercial arrangement between Southern Water (landowner) and the farmer in October 2021, the farmer was not interested in entering into a further lease. The land has been managed by Southern Water since. Beyond the agricultural use, there is no relevant planning history directly relating to the application site.
8. However, a number of existing or proposed projects within the surrounding area should be considered due to the potential for cumulative impacts. These projects include:
9. Planning permission TH/23/0170 granted by Thanet District Council (TDC) on 11 August 2023 for a grid stability facility on approximately 1.7ha of agricultural land, immediately east of the application site. This development has yet to be implemented. This infrastructure will ensure stable voltage in the local electricity grid and help support an increased use of renewable energy sources. The development includes several large buildings, including compensator buildings, cooling systems, main transformers, a control building, a switchgear building, ancillary structures, and two underground 400kV cables connecting to the national grid substation 500m south. It also includes cable routing and a temporary construction compound, located immediately south of the proposed solar farm. On 26 September 2024 TDC granted permission for a Section 73 application (TH/24/0604) to modify the site layout, building sizes, cable routing, and ancillary development.
10. Planning permission TH/11/0029 granted by TDC in March 2011 for the development of a solar park on c.11ha of land, located c.200m southeast of the application site. This solar farm is in place and provides c.4 to 5 megawatts (MW) of electricity to the national grid, via the national grid substation to the south.
11. Planning permissions TH/20/1467 and TH/21/0305 granted by TDC in February 2021 and April 2021 for the phases 1 and 2 of an electrical battery storage facility, electrical plant and equipment, alterations to land levels, landscaping and associated works at Richborough Energy Park, Sandwich Road. This development is located approximately 500m to the southeast.
12. Planning permission 21/01045 granted by Dover District Council (DDC) on 22 May 2022 for the creation of a ground-based photovoltaic solar farm, inverters, substations, security fencing, access, infrastructure, and associated works. Located c.450m south of the application site, this permission allows the redevelopment of 35ha of land south of the River Stour to create a 30MW solar farm. The development has yet to be implemented. DDC is currently considering details pursuant to the permission.
13. Planning permissions 20/01456 and 22/00705 granted by DDC for the installation of an electrical battery storage facility including a UK Power Network connection area and equipment, ground raising, landscaping, and associated works; located immediately south of the Richborough Energy Park. DDC is currently considering an application to

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

vary the layout and details of the above permissions under application reference 24/00258.

14. DDC is currently considering planning application 23/01363 for a large-scale solar farm at Goshall Valley, East Street, Ash, west of Sandwich (located c.3.3km south of the application site). This application proposes the development of an area of 83.34ha of open countryside and farmland, comprising ground-mounted solar PV arrays, associated infrastructure, and grid connection (exporting up to 49.9MW of electricity), including a nature restoration area. The application was received in December 2023, has attracted objections, and is awaiting a decision.
15. The above solar development is focused around the National Grid substation at Richborough Energy Park, south of the application site, which enables the renewable energy to be fed into the national grid.
16. A Nationally Significant Infrastructure Project (NSIP) for a major National Grid Electricity Transmission project (Sea Link), which would potentially impact land to the north of the application site, is being prepared by the National Grid. The NSIP is not due to be submitted to central government until next year and therefore the project carries very little weight in the decision-making process in this instance.

Proposal

17. The application, submitted on behalf of Southern Water Services Ltd, proposes the installation, operation, and subsequent decommissioning of a ground-mounted solar photovoltaic (PV) array along with associated infrastructure and biodiversity improvements. Southern Water is the local statutory undertaker responsible for public wastewater collection and treatment. Weatherlees WTW forms an essential part of this infrastructure. The solar array is proposed to support the energy requirements of the WTW as an ancillary development to the established treatment works.
18. The application site, owned by Southern Water, covering approximately 3.5 hectares. It is situated to the north of the existing WTW and is surrounded by agricultural land, scrubland, and grassland.
19. The development proposes an array of freestanding solar panels arranged in rows oriented east and west, mounted on aluminium frames supported by upright poles. Each panel would be inclined between 20 and 30 degrees, with the lower part approximately 60-80 cm above ground level and the highest part up to 3 m above ground level. The aluminium frames would be secured by upright poles driven into the ground, requiring minimal excavation and no concrete foundations. The rows of panels would be spaced 4 to 6 metres apart to prevent overshadowing. The development is anticipated to have a 30-year operational life, after which it would be decommissioned and the site restored to grassland / agricultural land. The applicant anticipates that the temporary use and decommissioning would be managed through suitable planning conditions.
20. The panels are expected to generate up to 3.3 Megawatts (MW) of renewable electricity, which would directly supply the WTW, reducing its energy consumption from the grid and lowering its carbon footprint.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

21. The development also includes the installation of CCTV cameras (approximately every 100 metres at a height of 5 metres), security fencing, a new access track, a temporary construction compound, and associated landscaping and biodiversity enhancement measures.
22. The temporary construction compound, required for the duration of the works (approximately 24 weeks), would provide office and welfare facilities, vehicle parking, and storage for machinery, plant, and materials. This compound is proposed within the site. The panels and supporting frames would be lightweight fabrications, avoiding the need for heavy plant and machinery, thereby reducing potential disturbances to nearby sensitive receptors. The application anticipates a total of 100 heavy goods vehicle (HGV) movements for the construction period, typically 4 or 5 deliveries per week, with a maximum of 3 deliveries on peak days. Standard working hours would be Monday to Friday from 07:00 to 20:00 and Saturday from 07:00 to 16:00, with no work conducted on Sundays, unless authorised by the planning authority. All deliveries would occur within standard hours.
23. Once operational, the development is expected to require minimal vehicle trips, limited to monthly maintenance visits. Operation and maintenance activities would be conducted during normal daylight working hours.
24. The application is accompanied by an illustrative landscape masterplan and a post-development habitat plan, which propose habitat creation measures, including native hedgerow and tree planting, grassland, and mixed scrub and woodland edge meadow.
25. The planning application is supported by a number of technical reports, including a Landscape and Visual Appraisal (LVA), an Ecological Impact Assessment (EclA), a Biodiversity Net Gain (BNG) Assessment, a Habitat Management Plan, a Flood Risk Assessment (FRA), a Glint and Glare Assessment, an Agricultural Land Quality and Soil Report, and a Heritage Impact Assessment. A shadow Habitat Regulations Assessment (HRA) has been carried out and submitted with the application to assess the potential for the proposed development to affect the nearby designated sites in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (the Habitat Regulations).

Additional Supporting Information Supplied in Response to Consultees

26. An addendum to the LVA was received to address queries about potential cumulative landscape and visual impacts of the proposed development alongside the neighbouring grid stability facility development.
27. An updated BNG Assessment, incorporating a River Condition Assessment and Changes to Landscape Design in response to consultees comments, was also submitted along with a revised Habitat Management Plan.
28. A Wintering Bird Baseline Report in response to consultee recommendations.
29. A Land Use and Agricultural Land Statement has been provided, evaluating site selection and the availability of prime agricultural land, as well as the potential effects of the proposed development.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

30. An explanation of the proposed site layout, explaining the separation shown in the drawings between the WTW and the proposed array, which is due to the adjacent development for a grid stability facility (reference TH/23/0170) situated to the east. Land immediately south of the application site would be utilised by this development for cable routing and a construction compound. To prevent overlaps in constructed developments, Southern Water has designated the northern area for the solar scheme. An appropriate standoff distance is essential for both projects to coexist.
31. Additional information on site drainage has been provided in response to consultee comments. The drainage solution proposes a sustainable ecological management over engineering solutions. Measures such as vegetated buffers, species-rich grassland, and woodland margin planting would manage surface water, control runoff rates to greenfield rates, and improve soil infiltration. These are detailed in an updated Habitat Management Plan.

Planning Policy

32. Outlined below are the key Government Policies, Guidance, and Development Plan Policies relevant to the review of this application:
33. National Planning Policies: the most relevant National Planning Policies are set out in – the **National Planning Policy Framework (2023)** (NPPF); the **National Planning Policy for Waste (2014)** (NPPW); the associated **National Planning Practice Guidance (NPPG)**; **Waste Management Plan for England**. These Government policy and guidance documents are all material planning considerations.
34. Government Policy is further reflected in the **British Energy Strategy (2022)**, **Powering Up Britain: Energy Security Plan (2023)** and in more detail in National Planning Policy Statements prepared to support the National Significant Infrastructure Project (NSIP) regime. **Overarching National Policy Statement for Energy (2024) (EN-1)**; and **National Policy Statement for Renewable Energy Infrastructure (2024) (EN-3)**. These documents are also material considerations.

Development Plan Policies:

35. **Kent Minerals and Waste Local Plan 2013-30 as amended by the Early Partial Review (September 2020) (MWLP)** – Policies CSW1 (Sustainable Development); CSW3 (Waste Reduction); CSW6 (Location of built waste management facilities); CSW15 (Wastewater Development); DM1 (Sustainable Design); DM2 (Environmental and Landscape Sites of International, National and Local Importance); DM3 (Ecological Impact Assessment); DM5 (Heritage Assets); DM10 (Water environment); DM11 (Health and amenity); DM12 (Cumulative impact); DM13 (Transportation of Minerals and Waste); DM19 (Restoration, Aftercare and After-use); and DM20 (Ancillary Development).
36. In considering the Development Plan, be advised that the Kent Minerals and Waste Local Plan (as amended by the Early Partial Review) 2020 is the adopted Mineral and Waste Local Plan for Kent. However, the County Council submitted its Draft Kent Minerals and Waste Local Plan 2024-2039 for examination to the Planning Inspectorate in May 2024 following which an updated Main Modifications version of the emerging plan is currently out to consultation. This is therefore a material consideration for the purpose of determining applications. Policies from the existing Plan are pulled through and updated in line with the

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

latest national policy and guidance as well as reflecting the priorities of the County Council.

37. **Emerging Draft Kent Minerals and Waste Local Plan 2024-2039 – Main Modifications (2024) (Draft MWLP)** – Policies: CSW1 (Sustainable Development); CSW3 (Waste Reduction); CSW6 (Location of built waste management facilities); CSW15 (Wastewater Development); DM1 (Sustainable Design); DM2 (Environmental and Landscape Sites of International, National and Local Importance); DM3 (Ecological Impact Assessment); DM5 (Heritage Assets); DM10 (Water environment); DM11 (Health and amenity); DM12 (Cumulative impact); DM13 (Transportation of Minerals and Waste); DM19 (Restoration, Aftercare and After-use); and DM20 (Ancillary Development).
 38. **Thanet District Council Local Plan (2020) (TDLP)** – Policies: SP02 (Implementation); SP24 (Development in the Countryside); SP26 (Landscape Character Areas); SP27 (Green Infrastructure); SP28 (Protection of the International and European Designated Sites); SP30 (Biodiversity and Geodiversity Assets); SP31 (Biodiversity Opportunity Areas); SP35 (Quality Development); SP36 (Conservation and Enhancement of Thanet's Historic Environment); SP37 (Climate Change); SP43 (Safe and Sustainable Travel); E16 (Best and Most Versatile Agricultural Land); GI01 (Protection of Nationally Designated Sites (SSSI) and Marine Conservation Zones (MCZ)); GI02 (Locally Designated Wildlife Sites); QD01 (Sustainable Design); QD02 (General Design Principles); HE01 (Archaeology); CC01 (Fluvial and Tidal Flooding); CC02 (Surface Water Management); CC04 (Renewable Energy); CC06 (Solar Parks); CC07 (Richborough); SE04 (Groundwater Protection); and TP01 (Transport Assessments and Travel Plans).
- Other Material Considerations:
39. **The Kent and Medway Energy and Low Emissions Strategy – Meeting the Climate Change Challenge (June 2020).**
 40. **The Thanet Landscape Character Assessment (2017) - Supplementary Planning Document (SPD) (adopted July 2020).**
 41. **The Sandwich Bay And Hacklinge Marshes SSSI Citation (1994)** – the SSSI covers an area of 1756ha and is of special interest for its important sand dune systems and sandy coastal grassland, along with various other habitats. such as mudflats, saltmarsh, chalk cliffs, freshwater grazing marsh, scrub and woodland. It supports numerous rare terrestrial and marine plants and invertebrate species, as well as important bird populations, including migratory and wintering birds. The cliffs at Pegwell Bay are also of geological interest. The application site lies adjacent to the SSSI.
 42. Whilst some distance from the application regard has been had to **Thanet Coast and Sandwich Bay Special Protection Area Citation (1996), The Sandwich Bay Special Area of Conservation Citation (2005)** and **The Thanet Coast and Sandwich Bay Ramsar (1994).**

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

Consultations

43. Several organisations were consulted regarding the application, and where appropriate the additional supporting information received, including the relevant statutory consultees. The responses received to the consultations are summarised below and represent the most recent comments received from each consultee.
44. Where applicable, officers' observations on the responses are included in brackets and italics following each summary.
45. **Thanet District Council (TDC) – no objection**, subject to the matters raised below being fully considered, including conditions securing measures to protect the existing boundary planting, details of any external lighting, and archaeological mitigation measures.

The Council supports the provision of renewable energy sources and raises no objection given the location and height of the development.

Attention is also drawn to the following considerations:

Permission has been granted for a grid stability facility with synchronous compensators and related infrastructure on land to the east. Careful consideration is needed to address the interaction and development of both projects if this application is approved.

The documents show that the solar array would power the wastewater treatment plant, but there seems to be a significant gap between the array and the WTW. The reason for this arrangement is unclear, and the remaining area would be separated from the wider agricultural areas, limiting its future use.

Consideration should be given to whether there are other buildings or spaces within the WTW where the solar panels could be installed.

The development would result in the loss of agricultural land and have a visual impact. Measures to protect the existing surrounding screening should be conditioned to avoid any harm to this visual buffer.

In addition to the habitat creation plan, details such as a lighting scheme should be conditioned to minimise disturbance to wildlife in the area.

The site is located within flood zone 1 and is at low risk of flooding. The submitted flood risk assessment indicates that grassland would be retained below the solar panels, limiting any alterations to surface water runoff.

Thanet is rich in archaeological findings, and the KCC Historic Environment Record notes the presence of palaeochannels on the site. It is recommended that an archaeological work programme is implemented to ensure any significant remains are fully investigated.

The cumulative impacts of this development and the neighbouring developments should be considered in the determination of this application.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

[Officer comment – The applicant has submitted additional information addressing consultees' views. See the Additional Supporting Information section above. They clarified that there is no overlap in built development with the permitted grid stability facility, though shared temporary construction areas may be possible if programs align, managed through a Construction Environmental Management Plan. The gap between the proposed solar farm and the WTW accommodates development for the grid stability facility. There's insufficient space for the required solar farm size on the WTW's roof, and no alternative sites close enough to serve the WTW with lower agricultural land classification. These points are discussed further below.]

46. Minster Parish Council (MPC) – mixed, comments as follows:

Minster PC initially raised no objection to the application in response to the initial round of consultations.

In response to further consultations on the additional supporting information received from the applicant, MPC noted that information made available about agricultural land on a national, regional, and local context is based on data dating from 1983. MPC considers that, for this information to be relevant to Thanet District Council's administrative area, it needs to consider the volume of building conducted since 1983 and that allocated for other development in the adopted local plan (on agricultural land).

In response to additional information on the availability of agricultural land, MPC considers the information received does not satisfy the above query and advises that MPC's recommendations remain unchanged.

[Officer comment – The applicant submitted an Agricultural Land Quality and Soil Report with the application. Following consultee comments, additional supporting information, including a Land Use and Agricultural Land Statement, was provided. The use of Best and Most Versatile Agricultural Land is discussed further in the Discussion section.]

47. Environment Agency – no objection

The Environment Agency has no objection to the proposed development in relation to groundwater and contaminated land.

The response recommends guidance that the applicant should take into account if the site is developed. This advice covers:

- Reviewing the Environment Agency's Approach to Groundwater Protection.
- Following risk management and best practices for land contamination.
- Ensuring only clean water enters the surface water system, using methods to prevent pollution from hydrocarbons.
- Management of sewage effluent.
- Adhering to the CL:AIRE Definition of Waste: Development Industry Code of Practice for classifying excavated material.
- Conducting waste assessment and classification, and ensuring waste is properly taken off-site.

[Officer comment – The EA's guidance has been sent to the applicant. The site, in Flood Zone 1, requires a Flood Risk Assessment (FRA) due to its size over 1ha. The

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

FRA addresses flood risks, including rivers, surface water drainage, and runoff. If permission is granted, the applicant would provide final details on a SUDS scheme to manage runoff.]

48. River Stour Internal Drainage Board (IDB) – no objection

The IDB notes the proposed site is next to Minster Stream, a watercourse it manages. Any work within 8 metres of this stream requires prior written consent from the IDB, as per the Land Drainage Act and IDB Byelaws. Applicants should contact the IDB early to confirm necessary consents for development near the watercourse.

[Officer comment – The applicant has been made aware of the above requirement, which is separate from the planning regime. The proposals do not directly impact the riverbank and include stand-offs from the river and surrounding habitat.]

49. Natural England (NE) – no comment on the application.

Natural England confirms it is not able to provide specific advice on this application and therefore has no comment to make on its details. NE advises that although it has not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, it refers to Standing Advice for further guidance.

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs), which can be used to determine whether the proposal impacts statutory nature conservation sites. NE recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone, then Natural England will provide an auto-response email.

[Officer comment – The recommendations provide by the County Council's Ecological Advice Service (EAS), take account of Natural England's standing advice to ensure informed decision-making by officers and Members.]

50. UK Power Networks – no objection

UK Power Networks has no objection to the proposed development. It provides standing advice regarding development near substations,. It recommends that the applicant coordinates with UK Power Networks customer connections department regarding any potential impacts.

51. National Gas Transmission – no objection, there are no national gas assets in this area.

52. Network Rail Property – comments as follows:

Network Rail's Drainage Team requested an exceedance map for the site during a flood event.

[Officer comment – The application is supported by a Flood Risk Assessment. No further comments have been received in response to the additional supporting information made available by the applicant. Flood risk and drainage are covered in the Discussion section below.]

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

53. **Civil Aviation Authority** – no response received.
54. **Manston Airport** – no response received.
55. **Ministry of Defence – no objection**, the proposed development falls outside of MOD safeguarded areas and does not affect other defence interests.
56. **Kent County Council Ecological Advice Service (EAS)** – no objection subject to conditions as outlined below.

If planning permission is granted, the EAS recommend conditions securing a Construction Environmental Management Plan (CEMP), including the provision of an Ecological Clerk of Works on site; a pre-commencement survey and review of the ecological mitigation measures; construction work to take place outside the wintering bird season; and prior to operation, approval of an update of the proposed Habitat Management Plan.

The development proposed is subject to the legal BNG requirement, therefore a Biodiversity Gain Plan showing how the development would achieve 10% BNG would be required prior to commencement of the development if permission is granted.

Ecological Report

Suitable habitats for various species, including reptiles, ground nesting birds, wintering birds, water voles, foraging/commuting bats, and invertebrates, have been identified on, or around, the site. There is potential for foraging/commuting badgers and breeding bird habitats within boundary hedgerows.

The grid stability facility application (TH/23/0170) noted water voles in the wider area, so their presence cannot be dismissed. No evidence of otters or beavers was found, but their presence cannot be ruled out. The development would include a buffer to protect habitats, including the river bank, and an Ecological Clerk of Works on site during construction. The proposed fencing would enable terrestrial species movement.

The EAS recommends a pre-commencement condition survey and review of ecological mitigation to ensure effectiveness. Apart from ground nesting and wintering birds, the EAS recommend that the species interest of the site can be retained post construction as the proposed development would retain and enhance most of the habitats. The EAS confirm that any impacts can be addressed through the implementation of the ecological mitigation detailed within the ecological impact assessment and through the habitat creation/enhancement works proposed as part of the BNG.

The EAS advise that if ground nesting birds are present the proposal would result in the loss of some suitable habitat. However, due to the size of the site is unlikely that large numbers of birds would use the location. The proposed habitat enhancements would benefit foraging breeding birds within the wider area. Considerations around winter birds are addressed within the habitat regulations recommendations below.

The EAS acknowledges Kent Wildlife Trust's recommendations to reduce impacts on freshwater aquatic invertebrates that could be drawn to solar panels. It notes that the SSSI designation doesn't mention freshwater aquatic invertebrates within the reasons

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

for its designation. The site is adjacent to the Minster stream and therefore it is likely that aquatic invertebrates are found within this area. It advises that the impacted areas of site (managed farmland) lack the habitat diversity found elsewhere, so a specific invertebrate survey would not be justified. It recommends that the size of the solar farm is likely to mean that any impact would be minor and the enhancement of the vegetation within the site is likely to benefit the wider invertebrate population. The EAS is satisfied that the design of the solar panels would not adversely impact on the reasons for designating the adjacent SSSI.

Habitat Regulations Assessment

The submitted information details there is potential for impacts upon wintering bird populations, for which Thanet Coast and Sandwich Bay SPA, Thanet Coast and Sandwich Bay Ramsar site and Sandwich and Pegwell Bay NNR are designated, through habitat loss and disturbance. The conclusion on habitat loss contradicts the information which was submitted and accepted as part of permission for the adjacent grid stability facility (TH/23/0170). The HRA submitted with that application detailed the following regarding the impact on the SPA and a similar view was given for the impact on the Ramsar site:

An update habitat suitability assessment and detailed desk study have been undertaken in May 2023 to inform the assessment on whether the Site could be considered to qualify as Functionally Linked Land (FLL) to the SPA. FLL describes areas of land occurring outside a designated site which is considered to be critical to, or necessary for, the ecological or behavioural functions in a relevant season of a qualifying feature for which a site has been designated. These habitats are frequently used by SPA species and supports the functionality and integrity of the designated sites for these features (Natural England, 2014). The update habitat suitability assessment has assessed the Site as not qualifying as FLL for the Thanet Coast and Sandwich Bay SPA species. The habitats were not considered suitable for both breeding little turn and wintering turnstone due to the Site's presence inland, away from the coast and intertidal areas of which is the preferred habitat type of both species. This is supported by the British Trust for Ornithology (BTO) desk study data which have recorded these species within the Pegwell Bay recording area but not the inland Ash levels area. It is acknowledged that wintering golden plover may inhabit inland areas, as supported by their presence within the Ash Levels BTO recording area. However, the habitat suitability assessment identified the Site as supporting unmanaged semi-improved grassland surrounded by dense woodland with some scrub encroaching into the grassland. This habitat is not considered typical of the lowland farmland habitat types for which wintering golden plover would typically use (BTO, 2023b); these would be larger open lowland fields where larger flocks can accumulate. The Site, being relatively small in size, with dense edge habitat which gives the Site a relatively enclosed feel, in the context of much larger open lowland fields across the Ash Levels and surrounding areas, would make the Site largely unsuitable for flocks of wintering golden plover and so they are unlikely to be encountered here and use it as supporting habitat. As the habitats were not considered to be suitable key species of the SPA, the land was not considered to be critical or necessary for the ecological or behavioural functions in the relevant season of a qualifying feature for which the SPA has been designated. These habitats are not frequently used by SPA species or support the functionality and integrity of the designated sites for these features. Therefore, the Site is not considered to be Functionally Liked Land for Thanet Coast and Sandwich Bay SPA.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

The redline boundary for TH/23/0170 included most of the redline boundary for this application, so the site for this development was considered within the HRA. The EAS is satisfied with the HRA's conclusions that the proposed development land is unlikely to provide functionally linked land and considers these conclusions valid for this application.

This view is further supported by the Wintering Bird survey conducted by the applicant during the 2023/24 wintering bird season, which recorded no birds associated with the SPA or Ramsar sites.

Birds from the designated sites are known to use habitats within the broader area. Thus, the EAS believes that construction could disturb any wintering birds in the wider area. Therefore, it agrees that impacts can be avoided by carrying out works outside the wintering bird season. This requirement must be included in the construction management plan condition.

Ecological Mitigation

The ecological impact assessment outlines mitigation measures to protect Minster stream and bank during construction, mitigate reptile impacts, and avoid work during the wintering bird season.

The EAS recommends that prior to beginning development, a preliminary ecological appraisal be submitted to the County Planning Authority. If additional measures are needed, an updated mitigation plan must be approved in writing by the Authority and implemented during construction and operation. It further recommends a condition securing a construction environmental management plan.

Biodiversity Net Gain

The EAS is now satisfied with the baseline habitat assessment's accuracy. An updated BNG metric indicates over 10% net gain in both habitat and watercourse. The EAS confirms that the proposed enhancements are feasible given the development and available land, recommending a site-wide management plan if planning permission is approved.

Proposed Habitats

Reptile species were found on-site, so any habitat created for reptile mitigation cannot be included in the Biodiversity Net Gain (BNG) calculation. Given the low number of reptiles, no specific habitat creation or enhancement measures are necessary, and the EAS agrees that the metric does not need adjusting.

The EAS recommends careful grassland management on-site to accommodate reptiles, including keeping some areas uncut each year. This could be secured by condition as part of the management plan review recommended below.

The BNG report states that neutral grassland shaded by panels would be in poor condition, while unshaded grassland would be in moderate condition. The EAS suggests that the Biodiversity Gain Plan required if permission is granted includes a drawing showing panel shading to ensure correct metric calculations.

While the received management plan outlines how proposed habitat conditions would be achieved, the EAS has reservations about its methodology. If planning permission is granted, it recommends reviewing and updating the management plan to ensure that

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

proposed management is achievable and delivers the Biodiversity Net Gain detailed in the Biodiversity Gain Plan for the project's lifetime.

[Officer comment – In responding to considerations raised by both the EAS and Kent Wildlife Trust (set out below), the applicant has provided additional supporting information and carried out further survey work to enable the informed consideration of this application.]

57. **Kent County Council County Archaeological Officer** – no response received.

58. **Kent County Council Flood and Water Management (FWM) – no objection**, subject to conditions securing a surface water management scheme.

FWM acknowledges that adding grassland, hedgerows, and vegetated buffers around the solar panels, along with flat topography, would help distribute surface water. Since the panels also follow the land's contours, it has no objections to the proposals in principle.

Although these actions can lessen the impacts, it's crucial to maintain the vegetated buffer strips and plantings around the panels for the entire duration of the operation. Neglecting maintenance or removing these measures in the future could lead to heightened runoff and erosion. Therefore, an appropriate maintenance schedule is necessary to manage erosion and runoff effectively.

If planning permission is granted, FWM recommends requiring a detailed sustainable surface water drainage plan based on the submitted Flood Risk Assessment and a verification report confirming its implementation.

[Officers comment – The applicant responded to initial comments from FWM providing additional supporting information on measures to manage and control surface water runoff. Officers are content that a condition securing final details of the surface water management scheme could be secured if permission is granted.]

59. **Kent County Council Highways and Transportation (H&T) – no objection**, subject to a condition securing a Construction Management Plan.

H&T note that access is proposed via Jutes Lane, which joins the A256 Ebbsfleet roundabout to the south, with access on site via a tracked access through the existing treatment works.

The main highway impacts would be related to the construction phase. Once operational, vehicle trips would be limited to monthly maintenance visits. The construction period is anticipated to generate approximately 99 HGV movements (total), equating to about 4-5 deliveries per week. Approximately 15 operatives are expected on site during the construction period, where parking should be available within the site boundary to prevent on-street parking.

H&T recommend that a construction management plan be secured by condition prior to the commencement of development. The plan should include:

- Routing of construction and delivery vehicles to/from site
- Parking and turning areas for construction and delivery vehicles and site personnel, including vehicle tracking

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

- Timing of deliveries
- Provision of wheel washing facilities
- Temporary traffic management/signage

H&T also recommend an informative relating to the need for separate permissions for any works affecting the public highway.

Local Member

60. The local County Members for Birchington & Rural, Mr Derek Crow-Brown and Mrs Linda Wright, were notified of the application on 8 April 2024.

Publicity

61. The application was publicised by the posting of a site notice and an advertisement in a local newspaper.

Representations

62. In response to the publicity, 28 letters objecting to the application, a letter commenting on the proposals, and a representation from Kent Wildlife Trust have been received.
63. The material points raised can be summarised as follows:
- Objections due to unacceptable cumulative impact from the development in the context of other proposed developments in the area.
 - Objections on landscape and visual amenity grounds; including a detrimental and urbanising impact on open countryside.
 - Concerns about negative impacts on the local community's well-being.
 - Concerns about potential pollution from the development and construction phases.
 - Objections on nature conservation and biodiversity grounds, including: loss of habitat; impacts of adjacent SSSI and functionally linked land supporting nearby designated habitats; impacts of protected and endangered species; impacts on migrating birds.
 - Considers that Biodiversity Net Gain being used to justify the loss of habitat.
 - Loss of green open space.
 - Objections to the loss of Best and Most Versatile agricultural land (Grade 3a).
 - Concerns that the development could compromise the necessary expansion and improvement of the Wastewater Treatment Works.
 - Flood risk, including surface water flooding.
 - Pollution and impacts on surface watercourses, including the river Stour.
 - Concerns about potential for impacts on important archaeological remains.
 - Considers that the development would have no economic benefits or create any new jobs.
 - Considers that the applicant should be required to install solar panels on the roofs of the buildings within the existing treatment works and any unused brownfield land instead of developing the proposed greenfield location.
 - Arguments that the project would have no impact on global temperatures or climate change, considering the development as eco-vandalism.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

64. Kent Wildlife Trust – concerns raised

Kent Wildlife Trust (KWT) highlights several concerns regarding the proposed development. A primary issue is the lack of sufficient surveys for protected species, including breeding and wintering birds linked to the Thanet Coast and Sandwich Bay Special Protection Area (SPA). KWT stresses the need for compensation if the site is functionally linked to the SPA.

Additionally, KWT calls for riparian mammal and invertebrate surveys to inform mitigation measures and avoid legal issues if species like water voles, otters or beavers are disturbed. The absence of wintering bird surveys is a concern due to potential impacts on species using the site as Functionally Linked Land (FLL). The applicant's claim of no suitable habitat for breeding birds is contested, and KWT recommends surveys to identify and mitigate risks from noise, lighting, and habitat loss. No specific invertebrate surveys have been conducted despite the site's proximity to important areas, which is necessary for developing mitigation strategies.

The Biodiversity Net Gain (BNG) report is noted for a 93.04% net gain in habitat units, however KWT maintains that Minster Stream should be included in the BNG metric and that mitigation for protected species should prevent net loss only, not count as net gain.

KWT urges completion of all missing surveys to determine the site's ecological value, allowing for appropriate mitigation or compensation and ensuring necessary licences are obtained from Natural England.

[Officer comment – The applicant provided additional information to address comments from both the County Council's EAS and Kent Wildlife Trust. This included a wintering bird survey, updated Biodiversity Net Gain, Habitat Management Plan, and further details on ecological considerations and mitigation measures.]

Discussion

65. In considering this proposal, regard must be given to the Development Plan Policies as outlined in the Planning Policy section above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Policy and guidance, and any other material planning considerations.
66. The County Planning Authority is the determining body for this solar development, as it would directly support the energy needs of the Weatherlees Hill WTW and is therefore considered as ancillary development under the existing wastewater development.
67. This application is being reported to the Planning Applications Committee due to objections and concerns raised by Minster Parish Council, Kent Wildlife Trust, and local community members. No objections have been received from the statutory or technical consultees.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

68. Officers consider that the key material planning considerations in this case can be summarised by the following headings:

- Principle of development;
- Agricultural land;
- Landscape and visual impacts (including glint and glare);
- Nature conservation and ecology (including Habitat Regulations Assessment);
- Heritage;
- Water resources and flood risk;
- Highways and access; and
- Local Amenity.

Principle of Development

69. The national policy on climate change sets a legally binding target to reduce the UK's greenhouse gas emissions by 100% by 2050, compared with 1990 levels (the 'net zero' target). To meet this target, the government aims for "a fully decarbonised, reliable and low-cost power system by 2035." The government has confirmed that this system would be "composed predominantly of wind and solar" and aims to achieve 70 gigawatts (GW) of solar power by 2035, up from 15.8 GW as of March 2024.
70. Government policy as set out in the NPPF establishes a presumption in favour of sustainable development, balancing economic, social, and environmental objectives. It supports the transition to a low-carbon future by promoting renewable and low-carbon energy projects. It encourages local planning authorities to provide a positive strategy for renewable and low-carbon energy sources, ensuring any adverse impacts are appropriately addressed, including potential impacts on the local environment, landscape, and visual impacts, including cumulative impacts. Notably, applicants do not need to demonstrate the overall need for renewable or low-carbon energy, acknowledging that even small-scale projects contribute significantly to cutting greenhouse gas emissions.
71. The NPPG on renewable and low-carbon energy identifies that increasing energy from these technologies ensures the UK has a secure energy supply, reduces greenhouse gas emissions to slow climate change, and stimulates investment in new jobs and businesses. Regarding solar farms, the guidance confirms that large-scale solar farms can impact rural areas, especially in rolling terrains. Nonetheless, if well-planned and appropriately screened, their visual impact on the landscape can be adequately managed. In determining proposals, local planning authorities should consider several key factors: promoting the efficient use of land by focusing large solar farms on previously developed or non-agricultural land, provided it is not of high environmental value; if greenfield land is proposed, assessing whether the necessity for using agricultural land has been demonstrated, with preference given to lower-quality land over higher-quality land, and ensuring the proposal facilitates continued agricultural use where applicable and/or promotes biodiversity enhancements. Recognising that solar farms are generally temporary structures, planning conditions should ensure their removal once they are no longer in use, and the land is restored to its previous state. Considerations also include the visual impact of the proposal, reflections and glare, implications for neighbouring uses and aircraft safety, the requirement for and impact of security measures like lighting and fencing, and the preservation of heritage assets.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

72. Also material to any decision are the detailed policies set out in The Overarching National Policy Statement for Energy (2024) (EN-1) and National Policy Statement for Renewable Energy Infrastructure (2024) (EN-3). While these are primarily aimed at supporting the Nationally Significant Infrastructure Project (NSIP) process, they reflect the Government position on large-scale solar development and are material to the decision process. These policy statements place significant weight on the importance of sustainable energy supplies, including the vital role of energy to economic prosperity and social well-being, and the importance that supplies of energy remain secure, reliable and affordable. The policies state that there is a critical national priority (CNP) for the provision of new low-carbon infrastructure, including renewable generation, anaerobic digestion and other plants that convert residual waste into energy, provided they meet existing definitions of low carbon. EN3 recommends that applications demonstrate how any likely significant negative effects would be avoided, reduced, mitigated, or compensated for.
73. The County Council recognised the UK climate emergency at its meeting on 23 May 2019. Following this, the Council, in collaboration with Medway, produced the Kent and Medway Energy and Low Emissions Strategy (June 2020), which outlines how Kent and Medway will respond to the UK climate emergency and drive clean, resilient economic recovery. Priority 3 of the Strategy: Planning And Development seeks to ensure climate change, energy, air quality, and environmental considerations are integrated into Local Plans, policies, and developments by developing a clean growth strategic planning policy and guidance framework for Kent and Medway, to drive down emissions and incorporate climate resilience.
74. Policies CSW 1 and CSW 3 of the Kent Minerals and Waste Local Plan (MWLP) collectively promote sustainable development in waste management. Policy CSW 1 requires the integration of sustainable practices in all stages of development to reduce environmental impact. Policy CSW 3 requires new developments to follow circular economy principles to minimise waste, reuse existing structures, and adopt sustainable construction methods.
75. Policy CSW 6 outlines criteria for locating built waste management facilities. It supports facilities that do not harm designated sites, wildlife, air quality, or groundwater, and are well-located near major transport routes to limit road impact. Facilities should avoid Groundwater Source Protection and high risk Flood Risk Zones and consider their landscape impact. Criteria for approval include locations on existing mineral or waste management sites, new major developments, industrial estates, previously developed land, or redundant agricultural/forestry buildings. Greenfield proposals are allowed only if no suitable sites exist within the intended catchment area of the waste arising.
76. Policy DM 1 outlines sustainable design requirements for minerals and waste development, emphasising the minimisation of greenhouse gas and other pollutant emissions, the reduction of energy and water consumption, and the promotion of recycling and renewable energy. It also focuses on minimising waste while maximising reuse or recycling, incorporating climate change adaptation measures, and protecting and enhancing the site's character, quality, and biodiversity. Additionally, it aims to contribute to green and blue infrastructure, achieve biodiversity net gain, and provide community benefits. The policy seeks to minimise the loss of agricultural land, protect soils, and efficiently reuse existing buildings and land where possible.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

77. Policy DM20 supports planning permission for ancillary development near mineral and waste sites, provided that the development is necessary for the main project to succeed and offers environmental benefits that outweigh any negative impacts. Permissions granted for such ancillary developments are tied to the lifespan of the main project and must be dismantled once the main project concludes to allow for site restoration.
78. The Thanet District Local Plan supports development addressing climate change. Policy SP37 requires new projects to be resilient to climate impacts through modern technology, efficient design, and proper siting of buildings. It also aims to reduce emissions and energy demands with advanced technologies while protecting biodiversity. Policy CC04 requires major developments to maximise renewable energy use, assess feasibility based on location and viability, and avoid significant adverse effects on the surroundings, including visual, noise, and residential impacts, while protecting heritage and biodiversity.
79. Policy CC06 specifically relates to Solar Park development. It states that applications for solar parks will only be permitted if there is no significantly detrimental impact on Thanet's historic landscapes, visual and local amenity, including cumulative effects, and heritage assets and views important to their setting. Proposals on agricultural land must cause minimal disturbance, be temporary and reversible, and provide biodiversity enhancements. Additionally, the need for renewable energy does not automatically override environmental considerations, and solar park proposals will be assessed for their impact on the Thanet Coast SPA and Ramsar site to ensure no loss of functionally linked land while providing mitigation if required.
80. The application states that Southern Water aims to achieve net zero emissions by 2050. A key component of its strategy involves utilising renewable electricity to power its sites directly, thereby lessening the demand on local electrical grids in the communities it serves. This approach aligns with both Government and Local Plan policies and guidance regarding renewable energy and climate change response. As a 'Statutory Undertaker' for planning purposes, the Applicant owns the site and the proposals address the operational needs of the WTW. The proposed development is viewed as essential for the overall sustainability of the broader facility, and its acceptability in planning terms should be assessed within this larger context.
81. Government and Development Plan Policies are clear that in considering the principle of solar development, it is essential to take into account other land uses and environmental factors as set out later within this report. Notwithstanding this, there is strong policy support for the delivery of sources of renewable energy that seek to meet current and future energy demands and improve energy security in a sustainable way. This aligns with both existing and emerging government policies. The NPPF clearly states that applications for renewable energy supply do not need to establish a specific need for development. However, in this instance, the development is proposed to support essential facilities that form a critical part of the local infrastructure serving the wider community. The provision of a renewable energy supply to the WTW would significantly contribute to the energy demands required to operate the treatment works, approximately covering 28% of the annual supply. The application confirms that the annual power requirement for the WTW is equivalent to the demand of around 2,800 homes each year.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

82. The development would contribute to measures to help tackle climate change, help reduce dependence on fossil fuels, and benefit energy security. These benefits would align with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low-carbon energy is central to the economic, social, and environmental dimensions of sustainable development. This should be afforded significant weight in balancing the potential impacts of the development and the acceptability of the application. Accordingly, and subject to consideration of specific impacts of the proposed development below, the principle of the development accords with both Government and Development Plan policies.

Agricultural land

83. The NPPF seeks development that contributes to and enhances the natural and local environment, including recognising the intrinsic character of the countryside, and the wider benefits from natural capital and ecosystems – including the economic and other benefits of the best and most versatile agricultural land. The NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered.
84. NPPG emphasises considering the economic and other benefits of the best and most versatile (BMV) agricultural land (Grades 1, 2, and 3a) in decision-making, seeking to protect such land from significant, inappropriate or unsustainable development, including soil management. Grade 3a land is defined as good quality, consistently returning moderate to high yields of a narrow range of arable crops, like cereals, grass, oilseed rape, potatoes, or less demanding horticultural crops. The guidance recommends redirecting development to previously used land or lower-quality agricultural areas (grades 3b, 4, and 5).
85. Government policy and guidance, including within National Policy Statement for Renewable Energy Infrastructure (EN-3), states that where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land where possible. It confirms that whilst the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered. Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be co-located with other functions to maximise the efficiency of land use.
86. Policies CSW 6 and DM1 of the MWLP focuses on the location of built waste management facilities, sustainable design requirements and minimise the loss of agricultural land and protect soils. As noted within paragraphs 75 and 76 of the section above.
87. Policy E16 of the TDLP states that except for allocated sites, planning permission will not be granted for significant developments that cause the irreversible loss of best and most versatile agricultural land unless it is clearly established that: 1) the benefits of the proposed development outweigh the harm, 2) there are no suitable alternative sites of lower agricultural quality, and 3) the development does not render the remaining agricultural holding unviable or result in significant cumulative losses of high-quality agricultural land. As indicated above, Policy CC06 specifically states that applications

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

for solar parks must cause minimal disturbance to agricultural land, be temporary, capable of removal and reversible, allow for continued agricultural use on undeveloped areas, and provide for biodiversity enhancements. The policy states that the need for renewable energy does not automatically override environmental considerations.

88. Natural England's standing advice confirms that local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification information to apply NPPF policies. It recommends the use of Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites to manage and protect soil, including any planning conditions.
89. The application is accompanied by an Agricultural Land Quality and Soil Report and a Land Use and Agricultural Land Statement that considers the potential impact of the proposed use on the existing agricultural use. The applicant argues that the use of agricultural land for the proposed solar farm is justified in this instance due to several factors. These include that: BMV land is particularly abundant within the Thanet area, resulting in non-BMV sites being scarce; there are no viable alternatives around the grid connection that are of lower agricultural quality; the temporary use of the land proposed (30 years) would not result in a loss of BMV land in terms of extent or quality; a sustained fallow period would help soil health recovery, benefiting both the agricultural land and the wider environment, ultimately enhancing soil quality for future agricultural production; agricultural activities could continue through grazing, aligning with national policy that supports the co-location of solar and agriculture, thus ensuring that agricultural use of the land remains viable throughout the life of the solar development.
90. The application site is classified by DEFRA as grade 3a, BMV agricultural land. This classification indicates that although the land holds value, it is on the lower end of the productivity scale within the BMV category. Much of the surrounding agricultural land is classified as Grade 2, so the development would be positioned on lower value land in agricultural terms. Additionally, the field itself is relatively small and is surrounded by several constraining factors on its agricultural use, including the Weatherlees Hill Water Treatment Works (WTW) site, the Minster Stream, other drainage channels, woodland planting, and a Site of Special Scientific Interest (SSSI). Because of these constraints, the field's agricultural productivity is already limited. There is also evidence of surface water drainage issues across the site with surface water pooling and increased moisture retention in the soil.
91. For several years, the field has not been used for arable farming and has remained fallow. This underutilisation further supports the argument for its temporary use. The Development Plan and Government Policy generally aims to direct development away from BMV agricultural land, but does not entirely preclude its use should specific circumstances and an established need for the development exist. Surrounding the WTW site, all agricultural land falls within the BMV classification. The application has demonstrated that no other suitable options are available that would allow the development to be located on lower quality or non-agricultural land and still support the WTW. This includes potential sites within the WTW boundaries or on its buildings. Due to the scale of the solar farm required to make a significant contribution to the WTW energy requirements, placing panels on the small number of appropriate buildings within the works would not suffice. In this case, the need for the development in sustainability terms and the lack of alternative locations weigh in favour of the use of this particular parcel of land.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

92. The development of the solar farm is proposed as a temporary measure, with a 30-year permission period and provisions to restore the site to its former use at the end of this period. This temporary nature ensures that the land can eventually be returned to an agricultural use. The construction method proposed involves mounting solar panels on metal frames secured by metal posts driven into the ground. This technique requires no substantial groundworks or permanent foundations, no soil stripping or removal of the surface vegetation (grass) would be necessary across the wider site. This would ensure that the soils classified as BMV remain protected and preserved. Furthermore, the extended period during which the land would not be used for agriculture (fallow period) is anticipated to benefit soil health, allowing time for regeneration. The development is considered reversible and guarantees that the site can be restored for agricultural use in the future, thus protecting these valuable soils for subsequent generations. The application acknowledges the temporary nature of the development and the need to decommission and restore the site appropriately. Officers are content that this could be secured by condition if permission were to be granted. The application also makes provision for meaningful biodiversity gains on site, while allowing for the redevelopment of the land. This is discussed in more detail in the sections below. The applicant also confirms that the development of the site would not preclude its use for grazing animals should the opportunity / need become apparent during the operational phase.
93. After weighing the considerations carefully I am content that the proposed solar farm on Grade 3a BMV agricultural land is justified due to the lack of suitable alternatives, its proximity to the WWT works, its temporary nature, and soil health benefits. The construction method proposed would minimise soil disruption, allowing future agricultural use. Subject to conditions limit the use to a maximum of 30 years and the submission and implementation of the full restoration plan, it is recommended that that the development would be acceptable in the context of Government and Development Plan policies relating to the use of agricultural land.

Landscape and visual impacts (including development in the countryside and glint and glare)

94. The NPPF stresses the importance of protecting and enhancing valued landscapes through planning. It aims for developments to be effective and aesthetically pleasing with good design, layout, and landscaping, being sympathetic to local character and history. Decisions should conserve and improve the natural environment by safeguarding valued landscapes, biodiversity sites, and soils, recognising the beauty and benefits of the countryside, including high-quality farmland and woodland.
95. The NPPG recommends local planning authorities consider both the technological requirements and potential environmental impacts when identifying suitable areas for renewable energy projects, including solar farms. Key considerations include cumulative landscape impacts, which refer to how a proposed solar farm might affect the overall character and quality of the landscape, potentially making the development a defining feature. Cumulative visual impacts involve the extent to which the solar farm becomes a prominent feature in specific views, affecting the experience of those views for people. This can occur when multiple renewable energy sites are visible from the same point or along a journey. In assessing landscape impacts, authorities should consider the sensitivity of the landscape, as different landscapes may respond differently to the same type of development. Additionally, the magnitude of change, or

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

the scale of the predicted change, is crucial in determining the significance of the impact. Other important points include the energy potential of the solar farms, which varies with factors like latitude and aspect. Visual impact is another consideration, as a well-planned and screened solar farm can minimise negative visual impacts, especially in rural areas. In the case of ground-mounted solar panels, the guidance advises that with effective screening and appropriate land topography, the area of a zone of visual influence could be zero. The temporary nature of solar farms is also highlighted; these installations are usually temporary structures, and planning conditions can ensure their removal and land restoration once they are no longer in use.

96. Policy CSW 6 of the MWLP specifies that waste management facilities should preferably be located on existing mineral or waste sites, industrial estates, previously developed land, or disused agricultural buildings, with greenfield sites being a last resort to minimise environmental impact. Policy DM 1 requires developments to protect and enhance the site's character, quality, and biodiversity, promoting efficient reuse of land and buildings. Policies DM 2 and DM 19 focus on preventing harmful impacts on landscapes and biodiversity, protecting important sites, and ensuring high restoration standards for mineral extraction and temporary waste projects. These policies aim for sustainable after-uses and at least 10% biodiversity net gain. Policy DM 20 allows essential ancillary developments near mineral and waste sites if they provide significant environmental benefits and are tied to the main project's duration.
97. The Thanet District Local Plan (TDLP) includes policies to protect the countryside and enhance the region's landscape. Policy QD02 focuses on promoting local character in new developments with high-quality, inclusive, and sustainable designs. Policy SP24 permits development on non-allocated countryside sites if it supports rural businesses, agricultural diversification, rural tourism, local services, or redevelops brownfield sites, ensuring compatibility with the local character and minimal environmental impact.
98. Policy SP26 focuses on conserving and enhancing the landscape character and local distinctiveness of Thanet by protecting features such as the island quality, openness, long chalk cliffs, gaps between settlements, and long-distance views. Coastal development proposals should respect seafront architecture and maintain open spaces, preserving the town-countryside distinction. Special attention is given to avoiding development in areas like the Stour Marshes, Wade Marshes, and Pegwell Bay to retain the island character of Thanet. Policy SP27 aims to safeguard and enhance the Green Infrastructure network by creating new wildlife and biodiversity habitats, integrating Sustainable Drainage Systems (SuDs), planting hedgerows and trees, and planning new green assets to improve air quality, manage natural floods, and adapt to climate change. Together, these policies seek to balance sustainable development with the protection of Thanet's landscape and countryside.
99. The Thanet Landscape Character Assessment describes the Stour Marshes as an open, horizontal landscape with medium-sized irregular arable fields bordered by drainage ditches and small streams feeding the River Stour and River Wantsum. The area has minimal tree cover, mostly along field boundaries, with reeds lining some ditches. Small copses appear at the field edges, but openness prevails. To conserve this landscape, the guidelines suggest preserving its rural character, enhancing the drainage network, reinstating floodplain grazing, and expanding fen and reedbeds.
100. The application is accompanied by a Landscape and Visual Appraisal. This document concludes with a thorough assessment across various receptors, highlighting

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

predominantly low to medium sensitivity with negligible to minor adverse impacts. Notably, the retention and enhancement of the existing planting on-site is anticipated to limit the site's visual impact. Visual impacts during both construction and operational phases are generally minor, with temporary moderate adverse effects expected to the north at specific viewpoints such as Footpath TE39 north of Ebbsfleet Farm and Footpath TE37 near Cottlington Hill. These impacts, characterised by noticeable but not significantly detrimental changes, which would be mitigated over time through strategic vegetation growth and considered design measures. Overall, the approach ensures a minimal long-term impact on the landscape character and visual amenity.

Glint and Glare

101. The application is also supported by an assessment of glint and glare. 'Glint' and 'Glare' refer to the effects caused by the reflection of sunlight from reflective surfaces such as glazing or solar photovoltaic (PV) panels. It should be noted that solar PV uses glass panels designed to enhance absorption and reduce reflection to boost electricity generation efficiency. To minimise reflection, solar PV panels consist of dark, light-absorbing materials and are coated with an anti-reflective layer. The assessment considers residential properties within 200m, and roads and railways within 500m, providing a cautious review. Additionally, the report notes that the currently inactive Manston Airport (previously Kent International) is situated approximately 2.5 km north of the nearest panel array in the development. Although it is not currently operational, a Development Consent Order (DCO) was granted for the site's reinstatement as an airport (DCO ref: S.I. 2022/922). Consequently, runway paths, approaches, and the control tower have been included in the assessment. The report details that the assessment has been undertaken in accordance with best practice guidance, and it concludes that the potential effects are calculated to be acceptable at all receptors.
102. Consultations on the application included the Civil Aviation Authority, Manston Airport, the Ministry of Defence and the District Council. No objections or concerns were received regarding glint and glare. On this basis, considering that there are already solar farms permitted in the area, and the scope of the sensitive receptors considered in the glint and glare report and its findings, I am content that the development would be acceptable in terms of glint and glare.

Landscape and visual impacts

103. The landscape around the site is mostly flat, reducing the site's visibility at a distance. However, there is scope for limited views of the development from elevated areas to the north. The site is well-contained by a woodland copse around the western and northern edges, and the wastewater treatment works to the south.
104. The proposed development consists of low-level installations, with ground-mounted solar panels reaching up to 3 metres in height. These panels, positioned in rows facing east and west, would be spaced 4 to 6 metres apart to avoid shadowing. Security cameras, standing 5 metres tall, would be placed at regular intervals of approximately 100 metres. Additionally, 1.8-metre-high security fencing would be installed along the existing boundaries
105. An illustrative masterplan has been included with the application to help mitigate any visual considerations and to meet biodiversity net gain requirements. The scheme

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

proposed features tree and hedgerow planting along the eastern boundary, hedgerow planting on the southern edge, and native scrub planting around the northern and western borders.

106. Existing landscape elements would be retained and supplemented with new plantings to help obscure direct views of the proposed development. The current copse of trees restricts long-distance views of the project from the north, significantly limiting the zone of visual influence of any low-level development on site. Localised views from public areas are minimal and would blend into the context of other developments in the area, including the WTW and other solar installations.
107. Whilst there is an acknowledged need to ensure solar installations are adequately secured, necessary security measures should seek to minimise the impact on the landscape and visual impacts. The application proposes appropriate lower-level 1.8m deer fencing for the site, supported by CCTV cameras. The additional security provided by the proposed camera system and the site's proximity to the staffed WTW allow for the less visually impactful fencing solution proposed. The boundary treatment includes the planting of native hedgerows that would provide visual, landscape, security, and biodiversity benefits.
108. In landscape and visual terms, whilst the development would have some localised impacts, these impacts would not be significant and can be reasonably mitigated by existing and proposed planting, ensuring that the proposals do not detract from the landscape character. Additionally, the development proposed would be temporary and reversible, with provisions in place to restore the land at the end of the proposed period.

Cumulative Impact with Other Development

109. As outlined in the background section above and referenced by objections received from members of the local community, there are a number of new and existing developments and pending projects in the area. These are largely energy-related infrastructure projects focused around the Richborough Energy Park (the Former Richborough Power Station Site), seeking to benefit from or strengthen the capacity or connections to the power grid. These developments include several permitted solar parks. The closest permitted development is the redevelopment of the fields to the east to create a grid stabilisation facility (see the Background section above). In determining this application, Thanet District Council concluded that:

“Whilst the proposed development would be large in scale, given the location of the site, adjacent to the existing wastewater treatment, the proposed mitigation planting and the existing soft landscaping that surrounds the site, the visual impacts of the development are not considered to be significantly harmful and would need to be weighed against the benefits of the scheme.”

110. It is recognised that several developments are planned, permitted, or already implemented in the area. The application site would be just a small part of this broader development, however it is appropriate to consider cumulative effects. The site is generally well-contained, resulting in localised landscape and visual impacts. The proposed solar array's location is constrained by the necessity for proximity to the Water Treatment Works (WTW) it would serve. The design of the proposed development ensures that all adverse effects would be reversible upon

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

decommissioning. While visual effects are inherent to any proposed energy infrastructure, the cumulative impact is deemed manageable within the context of existing and planned developments.

111. These considerations underscore the importance of balancing the need for renewable energy infrastructure with the preservation of landscape character and visual amenity. The proposed solar farm is designed to integrate with the existing environment, ensuring that its benefits for energy production and sustainability do not come at an undue cost to the natural and visual landscape. Subject to conditions securing the development to be carried out as proposed, the implementation of landscape planting and biodiversity enhancement measures proposed, the temporary use for 30 years, and the future submission and implementation of a restoration plan, I am satisfied that the development would not have an unacceptable impact on landscape or visual considerations and would accord with the relevant Government and Development Plan policies in this regard.

Nature Conservation and Ecology (including Habitat Regulations Assessment)

112. The NPPF emphasises the importance of planning policies and decisions that contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes, biodiversity sites, and soils, while minimising impacts and providing net gains for biodiversity. Development should prevent unacceptable levels of soil, air, water, or noise pollution and aim to improve local environmental conditions such as air and water quality.
113. The NPPF states that in determining planning applications, local authorities should refuse permission if significant harm to biodiversity cannot be avoided (through locating on an alternative site with less harmful impacts), mitigated, or compensated (as a last resort). Development on or near Sites of Special Scientific Interest (SSSI) likely to have adverse effects should normally be refused unless the benefits clearly outweigh the impacts.
114. The National Policy Statement for Renewable Energy Infrastructure (EN-3) is clear that solar farms have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can result in significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains.
115. The MWLP incorporates several policies to protect conservation, ecology, and biodiversity. Policy DM 1 highlights sustainable design by minimising greenhouse gas emissions, promoting recycling and renewable energy, and integrating climate change adaptation, while preserving the site's character and biodiversity. It also encourages contributions to green infrastructure, achieving biodiversity net gain, and providing community benefits. Policy DM 2 ensures developments do not significantly affect environmentally significant sites, requiring evaluations for proposals near internationally designated sites (including SPAs, SACs and Ramsar sites) and nationally designated sites (including SSSIs). Policy DM 3 requires that projects avoid adverse effects on biodiversity, necessitating ecological assessments and demonstrating biodiversity enhancement. Policy DM 19 focuses on restoration and aftercare, ensuring high standards for restoration plans, aligning with best practices, supporting sustainable after-uses, and achieving at least a 10% biodiversity net gain.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

116. The TDLP includes several policies that seek to protect and enhance nature conservation interests. Policy SP28 requires that proposals likely to impact SPAs, SACs, or Ramsar sites must undergo appropriate assessment and incorporate measures to mitigate adverse impacts. Policies SP30 and GI01 stress the importance of making positive contributions to biodiversity and geodiversity, requiring development proposals to enhance existing habitats, create new ones, and link ecological networks, protect and enhance valued soils, mitigate against the loss of farmland bird habitats, while also protecting sites of national importance, such as SSSIs. Policy GI02 similarly protects locally designated wildlife sites, only allowing development if suitable mitigation can be provided. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for. Collectively, these policies ensure that development projects prioritise the conservation and enhancement of biodiversity across various types of designated sites.
117. The application has attracted concerns and objections from Kent Wildlife Trust (KWT) and members of the local community regarding the potential for the development, alone or in combination with other developments, to have unacceptable impacts on protected species, local habitats, and natural conservation interests. KWT highlights concerns over insufficient protected species surveys, particularly for breeding and wintering birds, including golden plover and turnstone at the Thanet Coast and Sandwich Bay Special Protection Area. KWT believes the site may be functionally linked to the SPA and such considerations have been overlooked, along with compensation for lost linked land. They also recommend riparian mammal and invertebrate surveys to inform mitigation. If otters or beavers are present, the works could disturb their habitat, possibly requiring licenses under existing conservation laws. KWT urges these surveys be conducted before deciding to ensure proper mitigation or compensation.
118. Objections from local community members also raise concerns about the loss of habitat supporting endangered species in the Sandwich Bay to Hacklinge Marshes SSSI; a negative impact on habitats for migrating birds and waders; loss of foraging grounds for birds during high tide; the effects on local mammals, snakes, and lizards; the loss of scarce green space in Thanet and the need for more wildlife space to prevent species decline and protect marshland habitats; and questioning the justification of habitat loss using the Biodiversity Net Gain metric, amongst other matters.
119. Natural England has responded to the application confirming it will not provide specific advice on this application. NE advise that although it has not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, it references its Standing Advice.

Habitat Regulations Assessment

120. Under the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') the County Council becomes a 'competent authority' when the exercise of its functions will or may affect designated sites (for example SPAs or SACs). In accordance with the Habitats Regulations, all competent authorities must undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the interest features of Designated Sites before deciding whether to undertake, permit or authorise a plan, project (or application). Where the

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

effects of a development cannot be ruled out, an assessment is required to ascertain that any adverse effect on the integrity of the site can be ruled out.

121. The NPPF is clear that the presumption in favour of sustainable development does not apply where a development is likely to have a significant effect on a designated habitat site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
122. The application site is within 1km of the Thanet Coast and Sandwich Bay SPA and Ramsar site and the Sandwich Bay SAC. These designated sites support internationally important numbers of wintering birds, nationally important numbers of a breeding seabird, and waders. Large numbers of migratory birds use the designated sites for staging and a number of nationally scarce and rare invertebrate and plant species occur across the designation.
123. The application is supported by a shadow Habitat Regulations Assessment (sHRA), which considers the potential implications of the proposed development on these designations due to their proximity to the site and the potential existence of impact pathways. The assessment screens out likely significant effects on the Sandwich SAC and Thanet Coast and Sandwich Bay Ramsar site due to the site not providing suitable habitat for the qualifying species and that the size and distance of the site is sufficient to avoid impacts on habitat features. It identifies that the Thanet Coast and Sandwich Bay SPA requires further consideration as the site potentially offers suitable foraging habitat for European golden plover and that the construction of the development could potentially impact on wintering birds. The report concludes that due to the small size of the field and its enclosed nature with surrounding woodland and the adjacent WTW, the site is unlikely to be used by the SPA species. This is due to being both inland and an unsuitable breeding habitat for coastal birds. The report does identify that whilst the operation phase is considered unlikely to impact the SPA (due to low magnitude and low frequency of management), the construction phase has potential to increase disturbance through activity on site. On a precautionary basis, to avoid disturbance impacts to wintering populations that may use adjacent fields, it recommends that the construction phase should take place outside the winter bird season (October to March inclusive).
124. Following comments received from KWT, the applicant undertook a Wintering Bird Survey and Baseline Report to support the conclusions of the sHRA. The survey identified that several Red and Amber Listed bird species of conservation concern were observed on site; these species would not nest on site. The survey concludes that the site does not support wintering bird species from the SPA and there are no significant concentrations of important wintering birds, such as farmland bird species and winter visitors. The site also has no significant concentrations of common birds. It acknowledges the Habitat Management Plan submitted with the application which would provide suitable habitat for a variety of species, including those recorded at the site.
125. Advice from the EAS supports the position that the site is not considered as Functionally Linked Land (FLL) to the SPA. FLL refers to areas outside a designated site that are critical for the ecological or behavioural functions of qualifying features of the SPA. As set in the EAS recommendations included in the Consultations section, while qualifying species may inhabit inland areas, unmanaged semi-improved

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

grassland surrounded by dense woodland is not typical of their usual lowland farmland habitats and as such would not support SPA species or the functionality and integrity of the designated sites. The EAS confirms that the Winter Bird Survey supports this case, however it agrees that birds associated with the designated sites are known to utilise habitat within the wider area and that impacts can be avoided through construction work being undertaken outside the wintering bird season.

126. Taking account of the size and nature of the site, the recommendations of the EAS, and the supporting information made available, I am content to adopt the conclusions of the shadow Habitat Regulations Assessment that, subject to implementation of the proposed mitigation measures, the proposed development (alone or in combination with any other plans or project) would have no adverse effects on the integrity of the designated sites (or any FLL).

Ecological Considerations

127. In terms of the wider ecological considerations, the Ecological Advisory Service (EAS) has reviewed the application on three occasions, including considering updated supporting information in the context of NE Standing Advice and the comments received from KWT. It has provided a detailed assessment of the potential ecological impacts and proposed mitigation measures. The EAS highlighted the presence of reptiles within the site, suitable habitats for ground nesting and wintering birds, water voles, foraging and commuting bats, and badgers. Additionally, it acknowledges the importance of preserving habitats for invertebrates and breeding birds within the boundary hedgerows. The EAS noted that water voles were recorded in the wider area but acknowledge that the construction would not impact the stream banks directly, as a proposed buffer zone would ensure the habitat is preserved. Although no evidence of otters or beavers was found, their presence cannot be completely ruled out. The stream wouldn't be directly affected by the construction, and gaps under the fence would allow movement of terrestrial species. In terms of reptile mitigation it notes that the numbers are low, however their presence requires careful grassland management, including retaining uncut areas each year. This should be reflected in the management plan, which, if planning permission is approved, should be reviewed and updated prior to the development becoming operational. It recommends that an Ecological Clerk of Works should be present during construction to ensure habitats are not disturbed.
128. In addition, the EAS note the ecological mitigation measures proposed by the ecological impact assessment, which include the protection of Minster stream and bank during construction, implementation of precautionary mitigation for the reptile and avoidance of works during the wintering bird season. To ensure that this mitigation remains valid at the time of construction, the EAS recommend a preliminary ecological appraisal carried out in advance and that the mitigation measures are reviewed and updated (where necessary). It also recommends that a construction environmental management plan (CEMP) is submitted for approval, including timings of works – avoiding the wintering bird season, details of protection measures for the Minster stream and bank and implementation of the ecological mitigation outlined above. Post-construction, the EAS advise that the site's species interest can be maintained, given that most habitats would be retained and enhanced around the boundaries, with only the managed farmland directly impacted during construction.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

129. KWT has suggested measures to minimise impacts on freshwater aquatic invertebrates, given the site's proximity to an important invertebrate area. The EAS note that the adjacent SSSI designation does not specifically reference freshwater aquatic invertebrates, and The Kent Downs and South Valley Important Invertebrate Area, which covers a large area (and includes land immediate east of the site within the SSSI) does not have a profile. It notes that the land directly impacted by the development does not have the range of habitat found in the wider area and as such it is satisfied that a specific invertebrate survey is not justified. The site is adjacent to the Minster stream and therefore it is likely that aquatic invertebrates are found within this area. However, the EAS acknowledge that the size of the solar farm is likely to mean that any impact would be minor and the enhancement of the vegetation within the site would be likely to benefit invertebrate populations.
130. The EAS confirms that impacts on species can be addressed through the ecological mitigation detailed in the ecological impact assessment and habitat creation/enhancement works proposed as part of the Biodiversity Net Gain (BNG).

Biodiversity Net Gain

131. Biodiversity Net Gain (BNG) is a mandatory requirement that requires habitats for wildlife to be left in a measurably better state than they were before the development. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990. The objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits. The developer / land owner is legally responsible for creating or enhancing habitat, and managing that habitat for at least 30 years to achieve the target condition.
132. In submitting an application that is not exempt to BNG, an application must be accompanied by enough evidence to establish the pre-development biodiversity value of the site (using a statutory biodiversity metric calculation tool to establish the value). Once the value of the site is established, the statutory framework indicates that any permission is automatically subject to a biodiversity gain condition, which requires the submission of a biodiversity gain plan for approval before any development is commenced on site. This plan must demonstrate the increase in biodiversity value.
133. The applicant has submitted an updated statutory BNG metric, which establishes the pre-commencement value of the site. This is split between habitat units and watercourse units, due the site's proximity to Minster Stream. Along with hedgerows, these habitat types are considered separately within the statutory metric. The habitats recorded on site are cropland, grassland and watercourse. The habitats associated with the adjacent SSSI fall outside the site. The application is also accompanied by an updated BNG Assessment and detailed Habitat Management Plan that seek to demonstrate that onsite BNG would be feasible in this instance. Technically this information is not required to determine an application, however its submission prior to determination is strongly encouraged. The onsite improvements proposed would include additional grassland, scrub, individual trees, additional hedgerows and watercourse enhancements. Despite the submission of this information, any permission would still need to be subject to the statutory BNG condition, requiring the submission of a final Biodiversity Gain Plan, which could reasonably be based on the information received to date.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

134. The EAS has reviewed the updated BNG metric and assessment and has confirmed the accuracy of the baseline habitat assessment and that the proposed improvements are feasible as part of the planned development within the land available. It recommends implementation of a site-wide management plan if permission is granted.

Summary

135. Considering the views and representations received from consultees and the community regarding ecological considerations, including recommendations made by NE, KWT, and KCC EAS, I am confident that the updated information and ecological reports prepared by the applicant provide the necessary details to make a determination. The shadow HRA, informed by the response from the EAS, establishes that, provided construction takes place outside the wintering bird season, the proposed development (alone or in combination with any other plans or projects) would have no effects on the qualifying features of the designated sites (or any functionally linked land). I am satisfied that the adoption of the shadow HRA and recommended mitigation measures would satisfy the County Council's obligations under Habitats Regulations.
136. The EAS has recommended that the application would be acceptable subject to suitable mitigation measures, including those outlined in the application. The proposed mitigation measures include: a preliminary ecological appraisal ensuring the appropriateness of the proposed mitigation measures; the implementation of a CEMP, with an Ecological Clerk of Works during construction; no construction activities during the wintering bird season (October to March); the establishment of buffer zones to protect surrounding habitats, including the Minster stream; habitat creation/enhancement works as part of the Biodiversity Net Gain; and the review and update of the Habitat Management Plan proposed prior to operation.
137. Subject to the imposition of conditions securing the above requirements, the development would not have significant or unacceptable impacts on habitats or protected species, including nearby designated sites, and that any residual impacts could be reasonably managed and mitigated by the recommended conditions. On this basis, I recommend that the application would comply with the relevant legislation, Government and Development Plan policies relating to natural conservation, ecology, and biodiversity.

Heritage

138. The NPPF aims to safeguard heritage assets, including archaeological remains. Applicants should detail the significance of any affected assets with enough information to assess the development's impact. For non-designated heritage assets, a balanced judgement on the harm or loss and the asset's significance is necessary. Developers must document and enhance the understanding of impacted heritage assets proportionately. The NPPW demands consideration of effects on all heritage assets, designated or not, including their settings.
139. The National Policy Statement for Renewable Energy Infrastructure (EN-3) states that below-ground impacts for solar farms, although generally limited, may include direct impacts on archaeological deposits through ground disturbance associated with trenching, cabling, foundations, fencing, temporary haul routes, etc. Equally, it notes

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

that solar PV developments may have a positive effect; for example, archaeological assets may be protected by a solar PV farm as the site is removed from regular ploughing and other disturbance.

140. Policies DM5 and DM6 of the KMWLP and Policies SP36 and HE01 of the TDLP aim to protect Kent's heritage assets in a manner appropriate to their significance, including archaeological assets, by requiring adequate assessment of potential impacts, preserving remains in situ when possible, and ensuring proper investigation and recording when preservation is not feasible.
141. In accordance with NPPF, a Heritage Impact Assessment was submitted as part of the planning application. The assessment found a low potential for archaeological remains, except for post-medieval and modern remains of negligible importance. The site is situated on low-lying land near the River Stour and the former Wantsum Channel, which was intensively occupied from the Neolithic period onwards. Although much of the site was likely submerged and marshy until the 20th century, one non-designated WWII heritage asset has been identified within the site, but it no longer survives. The proposed cable route crosses an area with potential prehistoric remains; however, prior excavation is unlikely to impact these. It recommends that further archaeological investigation may be necessary, which should include archaeological monitoring during groundbreaking works (a 'watching brief') to determine the nature and extent of any surviving archaeological remains on the site.
142. Comments received from Thanet DC note the concentration of archaeological remains in the area, including Historic Environment Record relating to palaeochannels on the site. It recommends that an archaeological work programme is implemented to ensure any significant remains are investigated. No response has been received from KCC Archaeology following consultation requests.
143. There are no designated heritage assets within the site and no direct physical impacts on any designated heritage assets. However, proposals have the potential to affect non-designated below-ground archaeology assets albeit in a limited way due to the nature of the development and the limited extent of any groundwork required. Given the undeveloped nature of the site and the available information, a condition requiring an archaeological watching brief is considered appropriate to ensure that any significant archaeological remains on the site are fully investigated. This could be secured by an appropriate condition. Subject to the inclusion of the recommended condition, the development would accord with Government and Development Plan policies relating to heritage assets and archaeological considerations.

Water resources and flood risk

144. The site is enclosed by a number of streams, including the Minster Stream a main river that flows along the eastern boundary. Notwithstanding the proximity of these waterways, the site falls within a Flood Risk Zone 1 and therefore has a low probability of flooding from rivers and the sea. Central northern areas of the site are identified as having a low to medium risk of surface water flooding.
145. The NPPF seeks to manage the risks associated with flooding by guiding development away from areas at highest risk. It requires development that does not increase flood risk elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

where development; places vulnerable uses in the safest areas; is flood-resistant and resilient; includes sustainable drainage systems; manages any residual risks and provides safe access and escape routes (where relevant).

146. The NPPF also requires development that contributes to and enhances the natural and local environment, including preventing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air, water quality and where appropriate remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land. The framework indicates that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions, risks arising from contamination and any proposals for mitigation.
147. National Policy Statement (EN-3) states that water management is a critical component of site design for ground mount solar plants. Where previous management of the site has involved intensive agricultural practice, solar sites can deliver significant ecosystem services value in the form of drainage, flood attenuation, natural wetland habitat, and water quality management.
148. Policies CSW6 and DM10 of the KMWLP seek waste development that: avoids Flood Risk Zone 3b (functional floodplain); Groundwater Source Protection Zone 1; does not result in the deterioration of physical state, water quality or ecological status; does not have an unacceptable impact on groundwater or exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future. Policy DM1 seeks the use of sustainable drainage systems wherever practicable. Policy CC02 of the TDLP requires new development to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible.
149. As set out above comments received from local community members raise concerns that the site regularly floods, which would compromise the proposed use, and the potential for pollution of surrounding surface watercourses from the development and construction phases.
150. The application is accompanied by a site-specific flood risk assessment (FRA) which has informed the design of the development, and drainage scheme. Following the submission of additional supporting information, no objections have been received from the statutory consultees regarding water resources or flood risk grounds. As set out in the Consultation section above, the EA raise no objection. The River Stour IDB raise no objection, noting that any works within 8 metres of the Minster Stream would require separate consents. KCC FWM raise no objection subject to a condition securing a detailed sustainable surface water drainage plan based on the submitted Flood Risk Assessment and a verification report confirming its implementation.
151. Annex 3 of the NPPF (Flood Risk Vulnerability Classification) categorises solar farms as Essential Infrastructure, allowing their development in Flood Zone 1. An evaluation of the Proposed Development site revealed an overall low risk of surface water flooding. The solar farm would use panels elevated 0.6 metres above ground on integrated stands and feature waterproof underground cabling to reduce flood vulnerability. These elevated panels would help mitigate any residual flood risk if the surrounding drainage network becomes overwhelmed. The panel design is also weatherproof to endure all weather conditions.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

152. Given that the site area is more than 1 hectare, the NPPF mandates a Surface Water Management Strategy to ensure the development does not affect flood risk outside the site. The project would include PV panels, fencing, and an underground grid connection without additional infrastructure or hardstanding areas. The mounting of the panels would allow runoff to reach the ground below, supplemented by grassland planting underneath and vegetated buffer zones around the site. A temporary construction compound, smaller than 0.25 hectares, would be surfaced with permeable materials and removed after the construction phase. During the short and relatively low impact construction period required, the management of the any potential to introduce or mobilise polluting material into ground and surface water resource could reasonably be managed through an suitable Construction and Environmental Management Plan (CEMP). As outlined above, a CEMP could reasonably be secured by condition prior to the implementation of construction on site.
153. In response to initial concerns from the KCC FWM regarding potential soil erosion and increased surface water flows due to runoff from the solar arrays, the application was revised to incorporate several recommended measures to mitigate these risks. These measures include filter strips downstream from the solar arrays, vegetated strips of wildflowers and grasses around the field edges, and a habitat management plan for Biodiversity Net Gain. Key sustainable management practice proposed involve maintaining a vegetated buffer around the solar panel array, using traditional meadow management practices, and introducing a mix of scrub and woodland margin planting at specific site boundaries to enhance water infiltration rates, manage surface water flows, and prevent soil erosion. These efforts would improve soil structure, ensure no increase in surface water runoff rates, and maintain greenfield runoff rates with year-round groundcover; potentially reducing sediment mobilisation compared to current conditions. The updated Habitat Management Plan outlines the proposed planting scheme and shows that the measures taken would control surface water flows and achieve the desired runoff rates.
154. The Proposed Development would not increase flood risks elsewhere. With these mitigation measures in place, no residual flood risks are identified. The design ensures the development would be both sustainable and safe in the long term.
155. Given the above considerations and the responses received from the EA, IDB and KCC FWM, subject to conditions set out below, the proposed development would be acceptable in flood and surface water drainage terms and would accord with Government and Development Plan policies relating to water resources and flood risk.

Highways and access

156. Government (NPPF) policies regarding highways and access, as outlined in the policy section above, aim to encourage development that advances sustainable transport modes by considering the type and location of developments; ensures safe and appropriate access; and requires that significant impacts on the transport network, in terms of capacity, congestion, or highway safety, can be mitigated to an acceptable level. These policies state that development should only be prohibited or refused on highway grounds if there would be an unacceptable impact on highway safety or if the residual cumulative impacts on the road network would be severe. The NPPW advises waste planning authorities to assess local environment and amenity impacts based on the road network's suitability, reliance on local roads, and preference for non-road transport modes when feasible.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

157. Policies CSW6, DM13, and DM15 of the KMWLP advocate for waste development that is strategically located in relation to Kent's Key Arterial Routes, does not have unacceptable adverse impacts on highway safety or capacity, avoids significant increases in lorry movements through villages or on unsuitable stretches of road, and reduces emissions by deploying low emission vehicles and scheduling vehicle movements to avoid peak hours. Policies SP43 AND TP01 of the TDLP require development proposals that would have significant transport implications to be supported by Transport Assessment and where applicable a Travel Plan; encouraging developers encourage sustainable methods of travel.
158. The application sets out that the construction of the Development is expected to generate approximately 100 Heavy Goods Vehicle (HGV) movements over the 24-week construction period, averaging eight to nine deliveries per week and peaking at three deliveries on a single day. Public transport accessibility is reasonable, with the nearest bus stop 800 metres away, however most construction and operational staff are likely to use private cars due to the lack of pedestrian walkways. During peak construction, no more than 15 staff would be on-site daily, resulting in up to 30 staff vehicle movements per day. Standard working hours are Monday to Friday, 07:00 to 20:00, and Saturday, 07:00 to 16:00, with no Sunday work unless approved by the local authority. Deliveries will occur within these hours, and staff arrivals and departures will generally fall outside peak traffic times. Once operational, the development would be mostly autonomous, requiring only monthly maintenance visits during daylight hours, generating minimal traffic. Therefore, no further mitigation for transport and access is proposed during the operational phase.
159. Officers note that the development of adjacent land, as part of the grid stabilisation facility has yet to be implemented. The construction for the adjacent development would be far more significant potentially extending over 2 years, therefore increasing the potential for the two construction periods to coincide, if permission is granted. The application for the solar development proposes the implementation of a Construction Traffic Management Plan (CTMP) if permission is granted. This plan would seek to minimise and manage traffic impacts, including a travel plan to reduce the number of construction vehicles, consolidating deliveries, managing deliveries through an appointed contractor, and installing a wheel washing facility to prevent debris on local roads. The CTMP could also reasonably seek address the manage and mitigation of any highway implications if the two construction period were to coincide.
160. KCC H&T raise no objection, subject to a condition securing a Construction Management Plan. It notes that the access is acceptable and the construction period would only have a limited impact in transport terms. H&T recommend that a construction management plan be secured by condition and include information on routing, parking, deliveries, wheel washing and temporary traffic management and signage.
161. The site is well-located in relation to the strategic road network, ensuring suitable HGV access via a short section of local roads that does not accommodate significant traffic levels and already accommodates HGV traffic in association with the nearby commercial development, including the WTW. The Development is not expected to significantly impact congestion or delays on the local or strategic road network during construction. Once operational, the development would have a small highway impact. Subject to a condition securing a Construction Traffic Management Plan, I am satisfied

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

that that no significant traffic or transportation effects are likely to arise from the proposed development either alone or in combination with other developments. On that basis, the development would accord with relevant Government and Development Plan policies in relation to highways matters.

Local Amenity Considerations

162. Government and Development plan policies relating to local amenity set out in the policy section above require development that is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. The NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst other things) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution and that development should, wherever possible, help to improve local environmental conditions such as air and water quality. It further states that planning decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
163. Policy DM 11 of the KMWLP specifies that minerals and waste developments will only be permitted if they do not generate unacceptable adverse impacts on local communities and the environment, including noise, dust, litter, vermin, vibration, odour, emissions, illumination, visual intrusion, traffic, or health risks. Developments must not adversely impact other permitted land uses on surrounding land and waterbodies. Policy DM 12 states that developments should not result in an unacceptable adverse, cumulative impact on the environment or communities.
164. Policy QD1 and QD3 of the TDLP require development to be well-designed, respecting and enhancing the area's character with attention to context, identity, scale, massing, rhythm, density, layout, and appropriate materials. Developments must also be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.
165. The proposed development has attracted objections on from members of the local community concerning potential negative impacts on the well-being, loss of open green space and the cumulative impact when considered in the context of other forthcoming development in the area. Concerns were also raised regarding odour generated by the treatment works, however on the basis that the development does not directly impact the treatment of wastewater these concerns are not material to the current proposal. The treatment works is subject to controls under the site's environmental permit.
166. There are few residential or community receptors located near the site, the nearest of which is the Great Oaks Small School, located c.250m east. There are a couple of residential properties east of the A265 Richborough Way over 400m from the site. The majority of the surrounding land uses are agricultural, commercial, infrastructure or open countryside.
167. The development proposed would have the potential to result in some temporary amenity impacts during the construction phase (approximately 24 weeks). These

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

would include the normal impacts including noise, dust and air quality considerations from construction and any associated vehicle movements. The application set outs an access through the treatment works, using its access out onto Jute Lane leading direct to the A256. Due to the nature of the development and the lightweight construction methods, the application anticipates typically 4 or 5 deliveries per week with a maximum of 3 deliveries on peak days. It proposes that construction hours 07:00 to 20:00 Monday to Friday and 07:00 to 16:00 Saturdays, with all deliveries within standard hours. The construction method proposed involves the solar panels mounted on lightweight metal frames secured into the ground by metal stakes with no need for foundations. This limits the impact on the ground conditions and the need for heavy plant and equipment. The application proves the implementation of a Construction Environmental Management Plan (CEMP) to control operations during the construction phase to limit the impacts on the surrounding environment, ecology and local amenity. As indicated above the details of which could be secured by condition.

168. The development would involve the temporary redevelopment of an agricultural land, whilst this is open space, the site is privately owned and has no lawful public access. The use of the land is consider in more detail above. The operational phase of the development is unlikely to have any significant impacts on its surroundings, beyond the visual considerations outlined in the landscape section above. This section also considers the matter of potential for glint and glare resulting from the panels. The application confirms that activity on site would be limited to occasional visits to monitor and maintain the equipment.
169. It is recognised that there are a number of permitted and planned energy projects surrounding the Richborough Energy Park. The concentration of these is due to the grid connections and the essential infrastructure that supports the power grid in east Kent. The majority of the projects have wider community benefits or help with the transition to a more sustainable future. As outlined above, the grid stabilisation facility permitted by Thanet DC (TH/23/0170) has yet to be implemented. This development is far more significant than the proposed solar farm, involving a 2 year construction period. Planning permission TH/23/0170 includes a number of conditions that seek to limit the impact of the construction period on the surrounding land uses and the environment. If the construction periods for the two schemes were to overlap, given the short and relatively low impact of the solar development I am content that the conditions recommended would serve to limit the impacts on local amenities to acceptable levels.
170. In terms of amenity impacts from the operations, both developments are relatively remote for significant residential areas. The solar project is temporary in nature (with 30 year life) and reversible. It is unlikely to make a significant contribution to any cumulative impacts. In light of the above, the development would not result in any significant or unacceptable amenity impacts either during construction or operation and that any residual impacts could reasonably be minimised and controlled through the imposition of conditions as set out below.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

Conclusion

171. The proposed development comprises the installation, operation, and eventual decommissioning of a ground-mounted solar photovoltaic (PV) array to support the Weatherlees Wastewater Treatment Works (WTW). The solar array is projected to produce up to 3.3 MW of renewable energy, reducing the WTW's reliance on the national grid and decreasing its carbon emissions. The development also includes related infrastructure such as CCTV cameras, security fencing, and an access. The proposal covers a 30-year period, after which the site would be returned to its original state and function. A temporary construction compound, operational for roughly 24 weeks, would provide office and welfare facilities, vehicle parking, and storage for machinery, equipment, and materials. Construction would involve approximately 100 heavy goods vehicle (HGV) deliveries over the 24-week span, with standard working hours from Monday to Friday, 07:00 to 20:00, and Saturday, 07:00 to 16:00. Once operational, the facility would be automated, requiring occasional on-site visits for routine monthly maintenance during regular daylight hours. Habitat enhancement measures would include the planting of native hedgerows and trees, grassland, and mixed scrub and woodland edge meadow.
172. The proposed development has attracted objections from the local community on environmental and community grounds, including combined impacts with other projects, impacts on habitat and biodiversity, visual and landscape effects, pollution, and health concerns. Kent Wildlife Trust has expressed concerns regarding the potential for impacts on protected species, local habitats and nearby designated sites. Minster Parish Council has raised concerns regarding the implications of the development on Best and Most Versatile agricultural land.
173. Based on the detailed considerations outlined above, the proposed development of the solar farm aligns with both Government and Development Plan policies in terms of sustainable development. The principle of development is supported by strong national and local policies aimed at increasing renewable energy sources to meet the UK's ambitious climate targets. Officers recommend that significant weight should be given to this policy support in balancing the potential impacts of the development and the acceptability of the application.
174. The proposed development of the solar farm on grade 3a BMV agricultural land is justified in this instance due to the temporary nature of the development, the existing constraints on agricultural productivity of the site, and the lack of alternative sites on previously developed land or on land with a lower agricultural value and the proximity to the Wastewater Treatment Works. The approach to construction and land use proposed would ensure that the valuable soils would be preserved and that the site can ultimately be returned to agricultural use. This project aligns with national policy supporting sustainable development, offering both environmental and agricultural benefits over the long term.
175. The proposed steps to mitigate landscape and visual impacts, such as additional planting and strategic placement of the solar panels, are considered sufficient to maintain the area's landscape character and visual appearance. The low-level development would be effectively screened in the broader landscape by the existing vegetation and surrounding development. The matter of glint and glare has been evaluated, showing that the project would not negatively impact nearby receptors, including residential properties and transport routes.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

176. The ecological and conservation considerations associated with the development have also been carefully assessed. The updated surveys and assessments provided by the applicant, informed by recommendations from KWT and the EAS, offer a good understanding of the potential impacts and the recommended mitigation measures. The Habitat Regulations Assessment completed establishes that subject to implementation of the proposed mitigation measures, the proposed development (alone or in combination with any other plans or project) would have no adverse effects on the integrity of the designated sites (or any Functional Linked Land). Provided the mitigation measures outlined are adhered to, particularly regarding the construction timetable and habitat management, the development could proceed without significant detriment to the local biodiversity, habitats and designated sites. The application documents received fully addressed the BNG requirements establishing that onsite gains in excess of 10% could be achieved. If permission is granted the development would automatically be subject to the statutory BNG condition requiring the submission of a final Biodiversity Gain Plan prior to commencement. In respect of heritage and the impact upon water resources and flood risk, the development would accord with Development Plan policies and guidance.
177. Highways and access considerations associated with the development are largely limited to the temporary construction period. Even during this period, the level of vehicle movements associated with the development proposed would not be significant. A condition securing a Construction Traffic Management Plan would ensure that any impacts are adequately mitigated during the construction phase.
178. Local amenity impacts have been assessed, with measures proposed to minimise any temporary disruptions during construction. The operational phase is expected to have negligible impacts on the local community, given the remote location and the low-intensity of the use proposed.
179. In summary, the proposed solar farm offers significant benefits in terms of renewable energy production, sustainability, and ecological enhancements, in connection with an important component of the local waste water infrastructure that benefits the wider community. Therefore, I recommend that the proposed development constitutes sustainable development that would secure net gains across economic, social and environmental objectives. The assessment of the application has shown that any significant or unacceptable negative impacts could be effectively mitigated by the suggested design and conditions listed below. The project complies with Government and Development Plan policies and there are no material considerations that indicate that the decision should be made otherwise. This includes satisfying the criteria outlined in policy CC06 of the TDLP concerning solar projects. Consequently, I recommend that the proposals would not cause substantial harm to Thanet's historic landscapes, visual and local amenities, heritage sites, biodiversity or nature conservation interests. Additionally, the impact on agricultural land would be minimised, resulting in a temporary and reversible development that would enhance biodiversity. I am also convinced that the benefits of the project outweigh any residual impacts following the recommended mitigation measures. The suggested mitigation measures can reasonably be secured by the recommended conditions below. I therefore recommend that planning permission is granted.

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

Recommendation

180. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

Statutory Biodiversity Net Gain Condition

- BNG – the statutory condition requiring a Biodiversity Gain Plan demonstrating a minimum of 10% net gain to be approved prior to commencement.

Timescales

- Commencement of development within 3 years;
- The use shall cease no later than 30 years from the 'date of energisation' and the development restored thereafter within 6 months;
- 'Date of energisation' to be provided to the Local Planning Authority in writing within 28 days of energisation;

Approved Plans

- Development to be carried out in accordance with approved drawings;

Prior to commencement

- Submission of an archaeological watching brief for approved and its implementation during construction;
- Submission of a pre commencement survey and review of the ecological mitigation measures;
- Submission of a Construction Environmental Management Plan (CEMP), including provision of an Ecological Clerk of Works for the construction period;
- Submission of a Construction Traffic Management Plan;
- Submission of a detailed sustainable surface water drainage plan based on the submitted Flood Risk Assessment;

Construction controls

- No construction shall take place during the wintering bird season (October to March inclusive);
- Construction shall take place between 07:00 and 20:00 hours Monday to Friday and between 07:00 and 16:00 hours on Saturdays;
- The development shall be carried out in such a manner to avoid damage to any existing trees/hedges, including the provision of proposed buffer zones;

Prior to energisation / first operation

- Prior to energisation an updated final version of the Habitat Management Plan shall be submitted for approval and implemented thereafter;
- Submission of a verification report confirming implementation of SUDS;
- Unless updated by the Biodiversity Gain Plan, completion of the landscape planting set out in the application within the first planting season following energisation;

Operational controls

- Removal of permitted development rights;
- No external lighting shall be erected without the prior written approval;
- Repairs and maintenance shall take place between 07:00 and 18:00 hours Monday to Saturday;

Installation of ground mounted photovoltaic array at Weatherlees Hill WTW, Jutes Lane, Ramsgate - TH/24/401 (KCC/TH/0041/2024)

- The landscape planting implemented shall be maintained and any plants/trees which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season;

Decommissioning and restoration

- 6 months prior to the completion of the 30 year energisation period a Decommissioning and Restoration Method Statement shall be submitted for written approval;
- No decommissioning work to take place until a method statement for the protection of biodiversity during the decommissioning works has been approved;
- If electricity generation ceases for 6 months, or if construction works commence then cease for a period in excess of 6 months prior to being completed, all development and fixtures shall be removed and the site restored in accordance with a scheme to be agreed in written with the County Planning Authority; and
- Following decommissioning the site shall be restored to the agricultural use and condition prior to the development commencing;

I FURTHER RECOMMEND that MEMBERS ENDORSE the decision that the County Planning Authority adopts the shadow Habitat Regulations Assessment dated 11 January 2024 in satisfying the County Council's obligations under The Conservation of Habitats and Species Regulations (2017).

Case Officer: Mr James Bickle

Tel. no: 03000 413334

Background Documents: see section heading

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E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

- SE/24/1751 Section 73 application to amend the details approved by condition 2 and 5 of planning permission SE/21/947 to enable a variation in the colour finish of the two external vehicular access doors of the waste transfer station
Land at Dunbrik Depot, Main Road, Sundridge, Sevenoaks, Kent TN14 6EP
Decision: Permitted
- SW/23/505072/R25 Details of the post excavation assessment, analysis, reporting and publication works for the archaeological investigations undertaken prior to 2022 pursuant to Condition 25 of planning permission SW/23/505072.
Land to the South of the A2 (Hempstead House) and East of Panteny Lane, Bapchild, Sittingbourne, Kent
Decision: Approved
- TM/21/1259/R Non-Material Amendment to planning permission TM/21/1259 - Amendment to the Site Layout Plan approved by condition 2
Land at Offham Landfill Site, Teston Road, Offham, West Malling, ME19 5PF
Decision: Approved
- TM/24/1022 Section 73 application to amend the location of the re-use building, canopy and car parking, the installation of three storage containers and a first aid cabin, together with associated changes to the site layout
Household Waste Recycling Centre, Laverstoke Road, Allington, Maidstone, Kent, ME16 0LE
Decision: Permitted

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**E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS
MEMBERS' INFORMATION**

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

- AS/24/571 Change of use of Braethorpe House from Class E (Commercial, Business and Service) to C2 (Residential Institution) to accommodate unaccompanied asylum-seeking children, together with erection of single storey link building and minor external alterations.
Braethorpe, Canterbury Road, Ashford, Kent, TN24 8QF
Decision: Permitted
- CA/24/1141 Demolition of outbuildings; repairs to flint wall including removal of adjacent fence and brick wall; repairs to front boundary wall, including reducing the height of parts of the wall to meet structural and safety requirements; creation of new pedestrian entrance; relocation of cycle racks & the supply and installation of new doors and windows to the EYFS Building.
St John's CEP School, 7 St. Johns Place, Canterbury, Kent, CT1 1BD
Decision: Permitted
- DO/20/1048/R18 Details of a Post Excavation Assessment Report pursuant to Condition 18 of planning permission DO/20/1048.
Dover Fastrack - Land to the north of Dover and to the south of Whitfield, Kent
Decision: Approved
- DO/22/1591/R Non-material amendment to planning application DO/22/1591 to change glazed panels and reconfigured windows, curtain walling, addition of drainage and changes to louvres and removal of wind catchers.
The Beacon Satellite, Salisbury Road, Walmer, Deal, Kent, CT14 7QJ
Decision: Approved
- DO/23/354/R4(part) Details of foundation designs, any temporary scaffolding, staging or other temporary access works, and any other proposals involving below ground excavation pursuant to Condition 4 of planning permission DO/23/354 (Partial discharge of condition only).
Dover Discovery Centre, Market Square, Dover, Kent, CT16 1PH
Decision: Approved
- DO/24/501 Section 73 application to amend the wording of condition 3 of planning permission DO/24/3 to provide an extension of time for the removal of the temporary accommodation.
Langdon Primary School, The Street, East Langdon, Dover, Kent, CT15 5JQ
Decision: Permitted

GR/22/0375/R4	<p>Details of alternative provision of the ecological enhancements permitted under application reference GR/20/156 (KCC/GR/0019/2020) on the 26th June 2020 lost as a direct result of the development hereby permitted pursuant to Condition 4 of planning permission GR/22/0375.</p> <p>Mayfield Grammar School, Pelham Road, Gravesend, Kent, DA11 0JE</p> <p>Decision: Approved</p>
SE/24/1750/R5	<p>Details of a Construction Management Plan pursuant to Condition 5 of planning permission SE/24/1750.</p> <p>Kent Highway Depot, The Teardrop Centre, Farningham Hill Road, Swanley, BR8 8TJ</p> <p>Decision: Approved</p>
SW/23/502554/R17	<p>Details of the off-site highway works (Condition 17) pursuant to planning permission SW/23/502554.</p> <p>Teynham Primary School, Station Road, Teynham, Sittingbourne, Kent ME9 9BQ</p> <p>Decision: Approved</p>
SW/24/503468	<p>Retrospective extension to the temporary planning permission SW/24/500041 (KCC/SW/0222/2023) for a single storey modular building until 29 August 2025.</p> <p>Village Hall, Rodmersham Green, Rodmersham, Sittingbourne, Kent ME9 0PS</p> <p>Decision: Permitted</p>
TH/24/956	<p>The provision of alternative means of escape from the first floor, in compliance with the Building Regulations Act.</p> <p>Unit L1, Enterprise Road, Westwood Industrial Estate, Margate, Kent, CT9 4JA</p> <p>Decision: Permitted</p>
TM/24/1235	<p>Installation of a double storey dining facility & 2 classroom modular building.</p> <p>Nexus School, Upper Haysden Lane, Tonbridge, Kent, TN11 8AA</p> <p>Decision: Permitted</p>
TW/24/2163	<p>Second storey addition to existing modular building.</p> <p>Langton Green Primary School, Lampington Row, Langton Green, Tunbridge Wells, Kent TN3 0JG</p> <p>Decision: Permitted</p>

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
 -
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/TW/0107/2024 - Second storey addition to existing modular building.
Langton Green Primary School, Lampington Row, Langton Green, Tunbridge Wells,
Kent TN3 0JG.
- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-
- None.

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E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None.

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F. PLANNING CONSULTATIONS FOR MEMBERS' INFORMATION

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

F1 Proposed reforms to the National Planning Policy Framework and other changes to the planning system

KCC response to Ministry of Housing, Communities & Local Government on the above.

F2 Public Consultation on New Evidence Base Documents – Tunbridge Wells Borough Council Local Plan

KCC response to Tunbridge Wells Borough Council on the above

F3 Consultation on planning application 21/503906/EIOUT - Outline application for a proposed development at land to the West of Teynham, London Road, Teynham

KCC response to Swale Borough Council on the above

F4 Consultation on planning application 21/503914/EIOUT - Outline application with all matters reserved for a proposed development at land south and east of Sittingbourne

KCC response to Swale Borough Council on the above

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 Planning Directorate – Planning Policy
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BY EMAIL ONLY

**Growth, Environment
 & Transport**

Invicta House
 MAIDSTONE
 Kent ME14 1XQ

Phone: 03000 411683
 Ask for: Simon Jones
 Email:
 Simon.Jones@kent.gov.uk

24 September 2024

Dear Secretary of State,

Re: Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Thank you for giving Kent County Council (hereafter referred to as the County Council) the opportunity to comment on the proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system.

The County Council has provided a full response to the consultation. Please find this attached.

The County Council considers that it is important to provide a covering letter to its response in order to raise several key issues which have arisen through the consultation. These issues will have clear implications for Kent County Council's role and influence in planning, moving forward. They are also relevant to all county councils as well as Kent, and therefore are issues that will be encountered across England, if not fully addressed. These are firstly listed and then explained in more detail below:

- Support for Strategic Planning
- Housing Numbers
- Minerals and Waste Local Plans
- Protection of the Environment
- Developer Contributions
- Skills and resources

Support for Strategic Planning

The County Council supports the proposals to bring back a strategic level to planning. It considers that its role as the Highways Authority, Education Authority, Lead Local Flood Authority, Responsible Authority for the Local Nature Recovery Strategy and Heritage, Adult Social Care and community lead, amongst other services, puts the County Council in a good position to lead or have significant impact and influence when making decisions at a strategic level.

Strategic planning offers opportunities to agree a shared vision across a wider area. This leads to better decision making arising from a broader understanding of the housing and economic growth needs, and, critically, of the spatial distribution of development and infrastructure. The County Council would also draw attention to the need to manage large scale concerns such as nutrient neutrality, water resources and infrastructure, and energy demands, which are matters requiring solutions at a strategic level to ensure there is not an ineffective piecemeal approach.

The County Council seeks to positively engage with districts across Kent and across boundaries to ensure a collaborative approach to growth, but considers there must be a clear role for county councils within any proposed strategic planning framework moving forward. The County Council would also ask that more information is provided as to how this will be taken forward and also that there is a clear role defined for mayoral and non-mayoral authorities. In addition, it is hoped that it will be clear for those who are commencing the devolution route or those that wish to remain as two authority areas, as to how the reforms will relate to them. The County Council would also ask that as one of the largest upper tier authorities in the country that it has the opportunity to be a part of discussions around strategic planning as it moves forward.

Housing numbers

Whilst the County Council appreciates the purpose of this change, to bring more certainty in the planning system around housing numbers and to address the current housing crisis by delivering new homes, it would question the method chosen as, in some areas across the County, the housing need has risen considerably. Some of these areas/districts are already struggling to meet their existing need, without the proposed uplift. The County Council would therefore ask whether any support can be given to these areas, to help in the actual delivery of housing as the planning system alone cannot deliver these houses at this scale.

The County Council considers that in helping to meet these housing requirements, the government must still offer through legislation, opportunities for districts which

have significant barriers to development to be able to justify a lower housing requirement within their Local Plans. These might include natural landscapes, protected habitats and flood risk areas. Furthermore, infrastructure constraints must be a genuine planning consideration in the determination of the housing requirement figure.

The County Council also notes that these continuing uncertainties in the planning process are actually delaying Local Plans and therefore delaying bringing houses forward. The County Council would ask that authorities are given help and the proposed reforms arising from this consultation are implemented as soon as possible to mitigate this delay.

Minerals and Waste Local Plans

The County Council is extremely disappointed that the word mineral only appears twice in the consultation document. Despite the economic importance of the mineral sector to the economy and the fundamental role it plays in the delivery of the raw materials for the growth aspirations in the revised NPPF, there is no recognition of the mineral sector in Section 7 of the consultation paper. Nor is there any mention of waste management, an important and necessary infrastructure to support growth. It is therefore difficult to conclude with confidence that these important planning considerations have been factored into the thinking for the revised NPPF. Both have a role to play in sustainable development, impact upon strategic planning considerations and underpin circular economy principles and moves towards net zero.

In addition to this, the absence of any proposals to support development of essential waste infrastructure at a time when new proposed legalisation, policies and guidance are putting additional pressure on existing facilities is concerning.

Protection of the Environment

The County Council, as Responsible Authority for the Local Nature Recovery Strategy is disappointed that there is no reference to Local Nature Recovery Strategies (LNRSs) within the draft NPPF - nor the LNRS component parts which will be important to informing local plans. It is therefore not clear how the LNRS will inform local plan making and planning decisions. A vital part of the LNRS is the proposed integration of the strategies into the planning system, so that areas of greatest potential for nature recovery can be better reflected in planning decisions. Therefore, it is concerning there is no mention of them in the NPPF draft and little mention in the consultation. The County Council considers that this significant omission has the potential to undermine coherent and sound policy.

The County Council is also disappointed to see no reference to the protection or enhancement of the natural environment within the policy objectives. Good housing and development must consider and respect the landscape and environment into which it is developed and in fact is central to a development's identity. The need to build new homes and address the delays in the processes to enable this are fully understood, but this should not be at the expense of the environment.

Developer Contributions

The County Council would like to make it clear that there is a need for more effective funding mechanisms than the Community Infrastructure Levy (CIL) to ensure the delivery of essential infrastructure. CIL does not ensure that adequate funding is provided to mitigate the impact of new development and therefore ensure the appropriate provision of key infrastructure to support the County Council's services. There is also no mechanism to require upper tier authorities to be a part of Section 106 obligations and therefore offering limited ability to secure the necessary infrastructure.

The County Council would therefore ask that the current form of developer contributions is reconsidered, to ensure that adequate income is paid to the infrastructure providers to enable full mitigation for the impact of new development. Moreover, in two tier authority areas that county councils have more influence over how developer contributions are spent.

There is a lack of capacity within District Councils to challenge developers' viability claims and enforce conditions relating to infrastructure delivery. The County Council asks that this is considered when drafting the planning reforms.

Skills and Resources

The County Council considers that in order to implement the proposals and bring forward the changes required, the resourcing of local authorities is a critical issue in both skills and capacity.

There must be necessary resources across all relevant stakeholders, who have the skills and training opportunities to support implementation of strategic planning and to make sure that it operates effectively.

Resources are also required to effectively prepare and influence design codes.

The County Council supports the proposal for full cost recovery for Nationally Significant Infrastructure Projects (NSIPs) but would also ask that in two-tier areas, there could be a clear mechanism for county councils to receive a fee from planning

applications which they are engaged with. This is currently not the case. The County Council spends considerable time and resources working with Districts and Boroughs on their planning applications. Furthermore, the income generated from NSIP applications could assist in covering resources and maintaining and improving resources.

The County Council would ask that these concerns are taken into account and wishes to continue to work closely with the Government to help ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with the Government as these proposals progress.

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

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Published 30 July 2024

Kent County Council response

24 September 2024

Chapter 3 – Planning for the homes we need

Advisory starting point and alternative approaches

Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?

The County Council, which acts as a key infrastructure and service provider, is concerned with ensuring that new and existing communities have access to adequate infrastructure and service provision. The County Council holds many roles which have a direct impact on Kent communities – this includes statutory roles around education, health and social care, highways and transportation and the environment. The County Council commentary throughout this consultation seeks to ensure that the proposed reforms are sustainable and deliverable, respecting both new and existing communities across Kent and the rest of the country.

The County Council notes the changes which are proposed through this paragraph will remove reference to exceptional circumstances to allow the use of alternative approaches to assess housing need, where may be appropriate.

The County Council appreciates that the purpose of this change is to provide more certainty within the planning system around housing numbers. This certainty can provide benefits for stakeholders engaged in infrastructure and service delivery. A clear approach to assessing housing need from the start of the local plan process can assist county councils' infrastructure planning processes to support the number of homes to be planned through a Local Plan.

However, the County Council is concerned that this must still offer opportunities for districts which have significant barriers to development, such as natural landscapes, protected habitats and flood risk areas, to be able to justify a lower housing requirement within their Local Plans. Furthermore, infrastructure constraints must be a genuine planning consideration in the determination of the housing requirement figure. Development must not come forward in areas where new and existing communities do not have access to adequate infrastructure provision. It must be ensured that development remains sustainable and does not have an undue negative impact on the local environment and local communities. The County Council will continue to work collaboratively with district councils, engaging positively and proactively in the planning process to ensure that infrastructure is planned, funded, and delivered in a timely manner.

Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

The County Council does not agree that the reference to the use of alternative approaches to assess housing need should be removed. The County Council recognise that in these changes, authorities will be able to justify a lower housing requirement than the figure the method sets, however they would ask for more clarity on this through the NPPF. This could provide more details around the justification which can be put forward to justify a lower housing requirement, and further details around what alternative approaches could be taken.

Urban uplift

Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?

The County Council is supportive of the reference within paragraph 9 of the consultation which references “proposing to introduce new effective mechanisms for cross boundary strategic planning”. The County Council advocates a collaborative approach to planning with stakeholders, including district councils, county councils and key government agencies such as Homes England, Natural England and National Highways, working together to deliver sustainable growth. The County Council would welcome details on the formal strategic planning mechanisms proposed, and how this will operate within the planning process. The County Council would ask that details of this are developed in consultation with stakeholders across the planning and development process, including county councils, to ensure these can be effectively implemented. The County Council would also ask that any strategic planning mechanisms that may be introduced, become a statutory duty particularly across two tier authorities to ensure that roles and responsibilities are formalised and made clear.

The County Council supports the principle of directing housing growth to urban areas, but only where the infrastructure is in place to support that growth and create sustainable settlements.

The resourcing of local authorities is a critical issue. There must be necessary resources across all relevant stakeholders, who have the skills and training opportunities to support implementation of strategic planning and to make sure that it operates effectively.

Character and density

Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

The County Council does consider that where an area is supported by effective infrastructure, it may have more capacity to support growth than areas that are not as well supported. Therefore, there should be careful consideration of opportunities to maximise effective use of land. However, the County Council would consider that local character should still be taken into account. Across Kent, there is a diverse range of built and natural environments which should be considered when planning for growth to ensure unsuitable developments, which are out of character for an area, do not come forward. The clear aims to support growth and housing should not be at the expense of the distinctive natural or built environment of Kent.

The County Council recognises that the urban uplift was originally introduced by the previous Government. It related to 20 cities that were outside of the County and therefore the County Council did not have a view on that proposal. The County Council is however supportive that the urban uplift is to be applied more widely to cover more cities and urban centres.

This approach would be supported by the Highways Authority as it ensures that the growth which is proposed would be around areas already supported by the appropriate infrastructure. The approach also ensures through growth, a greater density, which could suit certain locations and could also support 15-minute neighbourhood principles, which supports sustainable methods of travel.

The County Council, as Local Highway Authority for Kent, agrees with the proposal to strengthen “expectations that plans should promote an uplift in density in urban areas” as the pooling of resources is likely to enable higher quality, dedicated, cohesive sustainable travel infrastructure to be delivered. This would encourage an increase in the proportion of people travelling sustainably.

The County Council notes, in respect of its responsibilities around the historic environment, this proposal could present a challenge to protect and enhance the character and setting of heritage assets and the wider historic environment, particularly for non-designated heritage assets and the often-unrecognised features which contribute to the character of the public realm. However, the County Council recognises that, if the housing delivery targets are to be achieved, this clause of the NPPF must be removed. Safeguards must, however, remain in place for designated and non-designated heritage assets, including Conservation Areas, Listed Buildings, historic town centres and the setting of heritage assets to retain the significance and benefits of our cultural heritage.

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

The County Council recognises that design codes can be a useful tool, in particular, setting out design principles for the development of large new communities where there may be a number of different developers and infrastructure providers bringing forward different elements of the project. A design code can ensure a cohesive design throughout the development and can also ensure that priorities for the County Council’s services are met if the codes are set out at the beginning of the planning process

The County Council would not wish to see a measure promoting high density housing at the cost of high-quality design and local character. However, high density developments can be inherently sustainable if they are located in areas with existing transport interchange options, and established forms of infrastructure. Large-scale new communities can offer the opportunity to blend good design with high density development, if best practice design guidelines are incorporated at the masterplanning stage. In the design of any new residential development, the County Council strongly supports the inclusion of green space, as well as sustainable and safe walking and cycling routes, to enable access to major transport interchanges and key infrastructure (education, health etc).

The County Council, as Local Highway Authority for Kent, is also supportive of the focus of design codes. These codes can be a useful tool in ensuring that high-quality design is delivered, especially where sites are being permitted on a vision led approach. The County

Council would welcome the introduction of minimum design standards around some of the services that the County Council are responsible for, such as Public Rights of Way (PRoW) and highways and transportation. This is to ensure that these aspects of development are designed appropriately to support sustainable transportation opportunities for new and existing residents.

The County Council does consider that there is a need to ensure local authorities at both a county and a district level have resources and expertise to be able to effectively prepare and implement design codes to support spatial visions in local plans and for delivering large new communities.

The County Council considers, in respect of its responsibilities around the historic environment, that the focus of design codes should move towards supporting spatial vision in local plans and seek to optimise densities within the established settlement boundaries, if safeguards remain to protect heritage assets and their settings. There is concern, however, about an emphasis on only developing large new communities as these will impose greater changes to the pattern of settlement. Large new developments must have a sense of character and be integrated into a setting. The County Council would raise awareness that it is often the spaces between settlements that contribute to their identity, which would be diminished if these were reduced. In some locations, the imposition of very large developments can have a disproportionately detrimental impact on the existing residents, character, and resources of an area. Growth around historic cores can provide for better communities and integrated, diverse societies.

Strengthening and reforming the presumption in favour of sustainable development ('the presumption')

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

The County Council is supportive of the additional clarity which will be offered explaining what policies are the 'most important' – an area noted as being subject to extensive debate when considering the presumption in favour of sustainable development. The County Council understands that this proposal is to ensure that homes are delivered to "*address the issue of chronic undersupply.*" However, the County Council would stress that infrastructure provision must be a clear consideration to support growth, and regarding paragraph 17, explicit reference should be made to the need for the timely provision of infrastructure alongside locational and design policies, as part of the safeguarding to ensure development remains sustainable. The County Council, as Local Highway Authority, would also add that sites must be in the most sustainable locations and offer reasonable opportunities for modal shift towards Active Travel.

The County Council welcomes, in respect of its responsibilities around the historic environment, the assurance that the presumption should not offer a route to poor quality development. Furthermore, the explicit reference to the safeguards of locational and design policies is welcomed. Specific controls to safeguard heritage assets and their settings must be retained. It is, however, harder to introduce the cultural and aesthetic qualities provided by historic buildings and spaces into the development of large new communities, and without this, these places could inevitably lack a sense of place and depth.

The County Council also welcomes the retention of footnote 7 in paragraph 11 of the current NPPF, which considers the environmental considerations. However, the County Council questions whether an error has occurred in footnote numbering - footnote 7 refers to footnote 74, when the relevant footnote of the proposed NPPF as published is shown as footnote 72. In addition, footnote 7 should refer to the footnote in Chapter 16 which states *“Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets”*.

Restoring the 5-Year Housing Land Supply (5YHLS)

Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?

The County Council is generally in support of this policy as it provides greater certainty of the housing land supply pipeline. The County Council will continue to support district authorities across Kent in the planning, funding and delivery of the necessary infrastructure which will need to accompany a five-year supply of deliverable sites. However, this proposal does not guarantee that sites will be deliverable. The County Council would wish to see more emphasis on the deliverability of sites, particularly through the plan making process, with the right support and resource in place to ensure that allocated sites can viably support the required infrastructure and other local policy requirements. The County Council would also wish to emphasise the importance of the location of allocated sites being able to connect with other communities and transport hubs, providing sustainable transport options to serve the new community.

The County Council would also stress, that the local authority being able to demonstrate five years of deliverable sites will not necessarily lead to the delivery of more homes. Planning alone cannot deliver the growth ambitions as set out within this consultation, Developers require a skilled workforce, materials, and economic conditions to invest in the development of these new sites.

Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?

The County Council notes that this refers to the removal of the principle that past over-supply could be set against upcoming supply – due to the chronic need for housing. The County Council notes that Kent has demonstrated strong housing delivery, and the County Council continues to ensure that this growth is supported by necessary infrastructure. The County Council would urge that local planning authorities must be provided with adequate resources to be able to support the planning and development of homes and supporting infrastructure.

The County Council would seek to understand how strong delivery records could be celebrated in lieu of this wording – for example, could there be planning freedoms / flexibilities offered as an incentive to districts?

Restoring the 5% buffer

Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?

The County Council has no commentary in respect of this question.

Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?

The County Council has no commentary in respect of this question.

Question 11: Do you agree with the removal of policy on Annual Position Statements?

The County Council has no commentary in respect of this question.

Maintaining effective co-operation and the move to strategic planning

Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

The County Council advocates the need for effective cooperation between all stakeholders, at a strategic level, when planning and delivering sustainable growth. Collaboration is required to deliver all necessary infrastructure and services necessary to support robust and resilient communities. This collaboration should take place during a local plan period and beyond, whilst also considering any cross boundary, strategic implications of growth. Strategic planning can have considerable benefits if there is a clear framework in place with the skills and resources across all relevant bodies in place to deliver. The County Council is therefore a strong supporter of strategic planning to ensure that there is policy integration on key matters at a strategic level.

The County Council is in support of strategic planning and considers that it offers opportunities to agree a shared vision across a wider area, leading to better decision arising from a broader understanding housing and economic growth needs, and the spatial distribution of development and infrastructure. The County Council would also draw attention to the need to manage large scale concerns – such as nutrient neutrality, water resources and infrastructure, and energy needs – matters which need to deliver solutions at a strategic level to ensure there is not an ineffective piecemeal approach which will not address these issues as a whole.

Upper tier local authorities and Local Growth Boards such as the Kent and Medway Economic Partnership are well placed to take a strategic view on the challenges and opportunities of strategic planning matters relating to specific sites. Local Growth Boards can provide insight to support the prioritisation of major schemes, information about the likely benefits and economic impacts of significant schemes and what supporting infrastructure might be required to unlock these as well as advising on displacement, commercial and supply chain opportunities and ensuring a sustainable, balanced approach to development on a functional economic area scale.

The County Council seeks to positively engage with districts across Kent and across boundaries, to ensure a collaborative approach to growth. There must however be a clear role for county councils within any proposed strategic planning framework.

The County Council would wish to have greater powers and influence as a key infrastructure provided placed on county councils through the local plan process and through development management stages to ensure growth is viable, sustainable and deliverable and that any growth supports our statutory functions. Currently, whilst the County Councils are a statutory consultee, they do not have any decision making powers or influence over the decisions made. One suggestion could be if a Local Planning Authority is looking to approve an application that the County Council as a statutory consultee has objected to, there is then a call in procedure by the Government. This is already in place for Active Travel and departures from the Local Plan, where an application is recommended for approval by the District or Borough contrary to Local Plan policies.

The County Council notes and welcomes the reference made to “new mechanisms for cross boundary strategic planning” and would welcome engagement on the details around what these mechanisms are proposed to be. If they are to meet the aims as set out in paragraph 25 – delivering sustainable growth and strategic and resilient infrastructure, growing the economy, and improving climate resilience, this will require a considerable number of stakeholders to achieve it. Therefore, the details around the proposed mechanism must be provided in a draft for stakeholders such as county councils (in particular two-tier authorities) to be able to provide commentary on.

The County Council notes the reference within paragraph 26 of the consultation, which relates to the use of “geospatial data and digital tools” as part of the proposals around Spatial Development Strategies. The County Council would draw attention to the work being undertaken by Kent County Council officers to deliver the Infrastructure Mapping Platform (IMP). This is a digital tool that is consolidating and publishing key local growth and infrastructure data. The County Council would welcome further engagement with the Government on the progress and capabilities of the IMP as an example of how geospatial data and digital tools are currently being used by the County Council and how it can support good growth moving forward.

The County Council notes that paragraph 27 does refer to minerals and waste plans. As a Minerals and Waste Planning Authority, the County Council is clearly concerned with the lack of reference to this area of planning within this consultation. The Council recognises the importance of effective co-operation on cross-boundary and strategic matters which includes mineral and waste development and other services provided by the County Council in a two-tier local authority structure. Measures to ensure effective engagement in decision making and plan making are supported.

In Kent (and elsewhere in the country) there is a growing tide of strategic waste crime which affects the regulatory interests of the County Council, the District Councils and the Environment Agency. Informal arrangements are currently in place for joint working on this cross boundary and strategic matter as needed, but it would helpful to consider recognising the need for a more formal arrangement in the new NPPF.

Overall, the County Council agrees that the NPPF should be revised to foster more effective collaboration on cross-boundary and strategic planning issues. By promoting cross-boundary cooperation, the County Council can enhance the planning and delivery of significant housing and infrastructure projects. This approach will lead to more equitable and sustainable development outcomes across the region.

Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

The County Council recommends that clarity must be offered as to what is meant by “strategic scale plans or proposals.” This requires detail to understand when the tests of soundness are applied as suggested by this question. The deliverability and viability of strategic sites is always challenging due to the long-term nature and inherent ‘unknowns’ resulting from this and can also be challenging to be able to gather all evidence required as part of the tests of soundness at the planning stage of the project. Any test for soundness must be fit for purpose at a strategic level.

The County Council does recognise that the tests of soundness are a tried and tested process that is understood. However, there is need to consider what the most appropriate test may be for strategic plans. There should be an expectation that the deliverability and viability must be based on the best available evidence at a point in time. The County Council would recommend that there needs to be a balance between providing some certainties through the development and a realism that the project may evolve over time, responding to changing trends, technologies, and requirements.

Details are required to be provided around this proposal. There is a clear need for a framework and guidance around this.

Question 14: Do you have any other suggestions relating to the proposals in this chapter?

As the statutory authority for major infrastructure and services, the County Council welcomes this amendment where it will deliver consistency through the planning process.

Chapter 4 – A new Standard Method for assessing housing needs

Setting a new headline target

Step 1 – Setting the baseline – providing stability and certainty through housing stock

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

The County Council would ask that the changes in the approach to the standard method and household projections are carefully considered and are fair. It does appear that there is significant pressure to provide housing on some authorities in Kent over others and it would be helpful to understand the difference in the household projections and the affordability of homes compared to local salaries. In addition to this, it will be difficult for authorities with a

significant uplift to meet their housing numbers, when they are already struggling to meet the current requirements.

The County Council, in respect of its role in the planning process, notes that sometimes, household projections cannot be relied upon as they can vary significantly from year to year – which can make planning for infrastructure to support communities, challenging for infrastructure and service providers such as the County Council. The County Council questions whether there is some stability offered by aligning the baseline to evidenced growth in housing stock over a long period of time (10 years).

The County Council would draw attention to the need for a consistent definition of “housing stock” to ensure consistency and limit discrepancies. A further option exists for tailoring the 0.8% figure to local areas (e.g. at a county level) as some regions have a greater propensity to grow than others.

Local authorities at both a local and county level must be adequately resourced to be able work towards meeting the growth requirements resulting from the standard methodology. The County Council would also note that resources, skills, materials, and the economic climate all have an impact on the delivery of new homes which must be considered to ensure their delivery.

The County Council notes that there is also the need to ensure that other uses required to support housing growth are also allocated – including community, healthcare, education, and employment uses. The County Council would repeat earlier commentary that new homes must be delivered supported by the timely delivery of appropriately funded infrastructure.

Step 2 – Adjusting for affordability

Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3-year period for which data is available to adjust the standard method’s baseline, is appropriate?

The County Council does consider that averaging over a three-year period may be more realistic than a single year snapshot. The County Council respects its role in the planning process but would note the need to appropriately consider areas which are typically commuter towns, which may be impacted by the 4:1 ratio. The County Council notes that median house price and earnings can hide large disparities, however, mean values may be fairer to reflect a demographic of property value or income.

Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?

The County Council has no commentary in respect of this question.

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

The County Council has no commentary in respect of this question.

Result of the revised standard method

Question 19: Do you have any additional comments on the proposed method for assessing housing needs?

The County Council draw attention to the fact that planning alone cannot deliver new homes, the development industry must also be engaged. Furthermore, when planning for growth, there must be consideration of the infrastructure need to support the growth. Areas which may experience sudden jumps in housing, will need significant investment in infrastructure to achieve that sustainable housing growth, which will create viability challenges, as well as challenges for infrastructure providers, such as the County Council, to ensure these are provided in a timely manner to support the growth.

In principle the County Council supports the proposal to set clear housing targets as it supports infrastructure planning processes, to ensure necessary infrastructure is planned, funded and delivered in a timely manner. However, the County Council does raise concern around the proposed distribution of housing across the country. This distribution must be fair to ensure that areas which surround London are not forced to take on housing as London is unable to meet its housing need.

The County Council would draw the Government's attention to the clear pressure on existing infrastructure in Kent due to housing development. Services within the County Council are having to provide more infrastructure and services with less income and resources. Considering all the infrastructure required to support development coming through the current Local Plans, there is a clear and large funding gap to be able to provide the necessary infrastructure already before the new methodology or a greater housing need is introduced. The County Council must ensure that it remains in viable financial position. There has already been considerable pressures on already stretched financial budgets. The Government must address the proper funding of local authorities at all levels, especially with additional asks arising through these proposed reforms. There are already a number of unfunded infrastructure projects on the capital programme and this will only increase as costs rise and the Council's income reduces. In addition to this, the County Council, along with many other county councils, already borrows significant sums through prudential borrowing to meet shortfalls in grant funding and capital receipts which shows the existing pressure they are under.

Concerns were also raised by Kent County Council in response to previous consultations, in regard to the funding to provide the infrastructure to support more housing. One main concern is whether the legislation will require Local Authorities to fund some of their infrastructure through borrowing. Due to the revenue implications associated with such borrowing, the County Council would ask that limits need to be set to ensure the Council remains in a viable and sustainable financial position.

The County Council is also concerned of the continuing uncertainties around local plan processes affecting communities and the economic markets. Lack of clarity and continuous reforms have created an environment of uncertainty for plan making and the market, ultimately delaying the delivery of new homes and supporting infrastructure. This causes understandable concern from communities who are not provided with a clear plan of where growth in their area is to come forward, and or an understanding of where infrastructure will

be delivered to support the growth. Plan making will, again, need to respond to another set of changes to national planning policy and guidance – authorities must be given the appropriate resources to respond to the reforms proposed.

The County Council notes that in the county, the housing targets in some areas are excessive, and they are not reflecting the lack of suitable and deliverable land for development, nor the lack infrastructure available to support growth. In some areas, the targets are not considered to be achievable. Furthermore, Kent has also been impacted by Nutrient Neutrality – an important issue with a considerable impact on housing delivery. Another matter which requires consideration and a strategic solution to address this issue.

The County Council, as Minerals and Waste Planning Authority, would draw the Government's attention to the fact that housing and economic growth is dependent upon the raw materials being available to deliver new development. Mineral Planning Authorities are required to plan for a steady and adequate supply of minerals to meet need based upon the national Managed Aggregate Supply System (MASS). This relies upon annual returns from mineral operators which can vary year on year, can be estimated (if no return is made) and are based upon historic sales data. Whilst this is currently proving effective, given the acceleration of growth proposed in draft NPPF, government guidelines setting out a clear and strategic statement of future need of construction aggregates should be provided as part of the planned growth agenda being advocated. Clarity should also be provided as to whether the existing MASS assessment remains effective in planning for mineral supply.

Whilst it understands that the Government is looking to bring forward growth, it is not just the provision of more new homes that is important. The County Council would ask that other issues are considered to release more homes for those that need it, including reducing the amount of second homes and Air BnBs. Also discouraging the use of Land Banking to make sure that schemes with permission are built out.

Chapter 5 – Brownfield, grey belt and the Green Belt

Being clear that brownfield development is acceptable in principle

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

The County Council is generally supported of the redevelopment of brownfield sites. However, guidance must set out that land must be in a sustainable location with adequate access to necessary infrastructure to support the growth. The County Council considers that the sites need to be defined carefully to avoid misinterpretation – there is a need to ensure a suitable set of criteria is defined to inform proper and appropriate site selection, planning and decision making. A maintained database or GIS of identified sites that meet the criteria could be a way of encouraging development in suitable sites.

The County Council, as Local Highway Authority, would raise concerns that where grey belt is in rural areas, these may not be in accessible locations and lead to car dependant development. Accessibility of large volumes of traffic and HGVs during the construction and operational stages of a development must be considered.

The County Council, as Local Highway Authority, responsible for PRow, also requests that guidance is in place to ensure that any densification is supported by access to open space.

The County Council, as Minerals and Waste Planning Authority, considers that as part of any proposed change, clarity should be provided as to how mineral sites are to be designated. These are not brownfield sites. Mineral development is in effect a temporary permission, albeit for a long period, and the planning process recognises that planning permission for mineral activities is a product of having to work minerals where they are found, rather than a locational choice. To include such development as brownfield and the future presumption for development will undermine restoration and biodiversity objectives which require mineral sites to be restored to a high quality. Restoration proposals offer the potential for recreational, agricultural and habitat opportunities and in the case of the latter, quarry sites traditionally have played an important role in the creation and enhancement of habitats; many of the sites are coincident with local nature reserves. Going forward, they have an important role to play in the delivery of biodiversity net gain objectives and this should be recognised.

The County Council also notes that it is important to understand that brownfield sites can host the valuable priority habitat of open mosaic habitat on previously developed land (OMHPDL) – a valuable and important habitat that supports niche species and often home to Kent's rarest species. Paragraph 121 notes that as much as possible, maximum use should be made of previously developed or brownfield land, caveating this with the footnote *"Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity"*. Whilst this caveat is welcomed, it does not go far enough as many OMHPDL are not afforded protection and often their value is only made clear when surveyed prior to development. This has been seen at sites in Kent; this presumption of brownfield as land for development and land that holds no ecological value, often puts rare and significant species at odds with a planning application. There would be benefit in local planning authorities working with nature conservation bodies and others to identify land which may fall into this bracket so it can be excluded as potential development sites within the local plan. The Local Nature Recovery Strategies may provide evidence and information in support of this. Furthermore, any "brownfield passports" must ensure that such habitats are not put at risk of loss because of a blanket assumption as to the lack of ecological value.

The County Council, in respect of its responsibilities around the historic environment notes the addition of current paragraph 124c), however, it should be noted that many brownfield sites contain significant archaeological remains or built heritage assets, many of which will be non-designated, poorly understood and with an expectation that they will be protected through the planning process. Even if there is an expectation of development being acceptable, provision will still need to be made, in cases where significant heritage assets are expected, for pre-determination evaluation to assess archaeological significance and determine whether the proposal is in conflict with other policies of the NPPF. The presumption should not apply where the proposal would conflict with the preservation of designated heritage assets or those covered by footnote 73. The County Council would ask that footnote 50 in current paragraph 123 of the NPPF should also mention heritage assets. Similarly in current paragraph 124a), the County Council would ask that the protection and enhancement of heritage assets be listed as one of the potential benefits.

The County Council also recommends that it should also be noted that land which should be protected by other designations is not always currently designated. The value of Heritage assets is influenced by their setting and in rural areas this has particular relevance, as relative isolation, or setting within a landscape, can be key to the significance of many historic settlements, buildings, and parks.

Overall, the County Council support the proposed change outlined in paragraph 124c as a preliminary step towards the implementation of brownfield passports. However, the County Council emphasises that any new development on brownfield sites must prioritise sustainability, particularly in terms of transportation, travel, and accessibility.

If a proposed brownfield development fails to meet a set of essential sustainability criteria, it should not be brought forward for development, in order to prevent future problems. Central Government may need to provide financial incentives to encourage development on brownfield sites – for example to ensure that any new infrastructure required can be funded and delivered.

The County Council recommends that there should also be investment in improving existing housing stock and neighbourhoods to achieve the objectives of enabling urban revitalisation as well as a focus on brownfield development.

Making it easier to develop Previously Developed Land

Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

The Green Belt serves a purpose and provided that its openness is protected, using poor functioning areas of the Green Belt could be an appropriate small scale approach to meeting housing need but policy and supporting guidance will need to set clear requirements. The County Council is keen to see that the Green Belt is protected and that that large areas and openness of the Green Belt are not lost to housing as this would take away the purposes to which it was designated. The County Council is concerned that this new policy position could result in the Green Belt being disregarded and the County Council supports its retention.

In Kent, the Green Belt extends across several districts and therefore the County Council would support a strategic approach to boundary reviews rather than piecemeal exercises, in the broader backdrop of the Government's intention to introduce some form of strategic planning.

Careful consideration is, however, needed to ensure that there are no unintended consequences, and that the policy will deliver high quality development and not just urban encroachment into the countryside. For example, the criteria in paragraph 10 of the consultation in respect of (ii) to (iv) may well be relatively easy to demonstrate, particularly for small scale development which could then undermine wider green belt policy. There is a risk that it will also lead to poor land management, so as to benefit from future development value.

The County Council, as Local Highway Authority, supports the proposed changes to paragraph 154g (including new paragraph 152), which is interpreted as supporting the provision of new lorry parking facilities where there is a need.

The County Council has identified to Government the various problems that promoters of lorry parking facilities have incurred in the past, with the planning process and number of applications refused creating a high level of commercial risk for operators outside of the big Motorway Service Area (MSA) providers. These amendments should help, as will those to paragraph 87. The County Council carries out annual surveys of inappropriate lorry parking (that outside of official facilities) on our local road network and can demonstrate a clear demand for new lorry parks in the county.

The County Council would also welcome consideration of how to repair and improve land in the Green Belt by ensuring landowners continue to manage their land well and resisting inappropriate uses.

Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

The County Council, in respect of its role in supporting the rural economy, has no objections to this proposal. However, many landholders have dispensed with traditional greenhouses (for reasons relating to upkeep, cost, efficiency, maintenance etc.) for modern greenhouse development which should be encouraged, where feasible. Hadlow College, in conjunction with Thanet Earth, has just developed a Centre of Excellence in Greenhouse Management to encourage more young people into horticulture through modern technological driven greenhouse management. Development and innovation will see opportunities for smaller greenhouse development which can be efficient and cost effective. Protected crops will need greenhouses as well as polytunnels (and any modern hybrid between the two). So the County Council would support the expansion of the PDL definition but it is important that this ensures the development and maintenance of glasshouses for horticultural productions and also in its role of supporting the economy.

Defining the grey belt

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

The County Council recommends that the definition for grey belt needs to be clearly defined, and there is likelihood to be appeals and litigation if clarity is not provided. Green Belt and grey belt must be very clear to ensure it can be understood and correctly applied across the Country.

The County Council notes that if grey belt is to be used for the delivery of housing, then, as always, development must be in sustainable locations with access to necessary infrastructure to support new residents – as set out in paragraph 15.

The County Council would also note that the assessment of green belt / grey belt should ideally be during local plan stages in consultation with relevant stakeholders, as opposed to through the development management stages. This is to ensure a sustainable and strategic assessment to take place, as opposed to the assessment being on a case-by-case basis.

Careful consideration should be given to the treatment of live and former mineral working workings within the Green Belt and clarity provided in the NPPF on whether these sites

should be considered 'grey belt or previously developed land (PDL)'. In the view of the County Council, as Minerals and Waste Planning Authority, mineral development should not be considered as PDL, brownfield land or fall within the grey belt definition. Mineral development is in effect a temporary permission, albeit for a long period and the planning process recognises that planning permission for mineral activities is a product of having to work minerals where they are found, rather than a locational choice. To include such development in the definitions above will undermine restoration and biodiversity objectives which require mineral sites to be restored to a high quality. Restoration proposals offer the potential for recreational, agricultural and habitat opportunities and in the case of the latter, quarry sites traditionally have played an important role in the creation and enhancement of habitats; many of the sites are coincident with local nature reserves. Going forward, they have an important role to play in the delivery of biodiversity net gain objectives.

The County Council, with regards to regarding its responsibilities around the natural environment supports in principle the definition, although notes the limitations of the safeguards this affords to land of environmental value. This particularly relates to the narrow number of habitats defined as irreplaceable, which at the moment, does not include, for example, chalk streams and vegetated shingle. The County Council would request a full review and consultation of the habitats defined as irreplaceable as the County Council considers the list to be incomplete and missing habitats that Kent is a particular stronghold for, both nationally and internationally. This will ensure that when drafting the proposed definition of grey belt, this issue can be taken into account.

The County Council, in respect of its responsibilities around the historic environment, notes that as the Green Belt makes a positive contribution to the quality of the built environment, the character of settlements and the value of heritage assets, these factors should be considered when determining whether development within the green belt is appropriate. The County Council welcomes policy of excluding areas or assets of particular importance as listed in footnote 7 of this Framework.

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

The County Council, as Minerals and Waste Planning Authority, considers that in determining how mineral development sites should be defined, it should also be noted that providing mineral development preserves 'openness' and does not conflict with the purposes of the Green Belt i.e. it is currently considered 'appropriate' development for the purposes of green belt assessment. Without clarification, it may well be possible to argue that mineral sites fall within the grey belt definition, contrary to the objectives and undermining the special considerations that are embedded in planning for and delivering mineral development.

The County Council, in respect of its responsibilities around the historic environment, considers that these safeguards are welcomed, but from the point of view of protecting Built Heritage; they do not go far enough to be effective and do not include sufficient protection of heritage assets. The County Council would recommend amending 10) b) iv. to read "Land which contributes little to preserving the setting and special character of historic towns, settlements, heritage assets or key views."

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

The County Council would recommend that guidance must be clear on this point to ensure clarity and certainty is offered in respect of these proposals. In terms of defining what land considerations that make a limited contribution to the Green Belt, it would be useful to make clear in the glossary or guidance the type of sites that are exempt i.e. safeguarded by existing environmental designations, National Parks, National Landscapes and Sites of Special Scientific Interest.

The County Council, as Minerals and Waste Planning Authority notes that in addition to excluding mineral development from the presumption to release in the Green Belt, areas identified in draft or published Local Nature Recovery Strategies should also be exempt, along with land identified by Biodiversity Net Gain habitat creation.

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

The County Council recommends that it is also important that land designated as grey belt does not degrade adjacent Green Belt land and sustainable development must remain the key focus of development.

In respect of the County Council's role in the rural economy, the County Council recommends that guidance must include a consideration of how to ensure productive agricultural land does not fall into the grey belt and is then developed for alternative uses.

The County Council, in respect of its responsibilities around the historic environment, recommends that the criteria should also include considerations around the presence and setting of Heritage Assets.

Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

Whilst recognising the role that the Green Belt may play in the delivery of growth, concern is raised by the County Council regarding the loss of policy support to safeguard the countryside from encroachment, with the recasting of green belt priorities. Further consideration is encouraged to consider the unintended consequences of this objective.

The County Council notes that much effort and resources will have gone in to developing the 48 local nature recovery strategies for England, which will provide a comprehensive assessment and identification of "*areas that could become of importance to biodiversity*". Defining such areas with this label from the LNRS regulations undermines the value that these areas already hold – and the vital role they have to play in recovering nature.

It is therefore critical that the mandatory role for LNRS in local plan making is fully enforced, explained, and detailed within the NPPF – and this includes informing areas of green belt that could be enhanced. There is seemingly no reference to LNRS within the draft NPPF - nor the LNRS component parts which will be important to informing local plans. It is

therefore not clear how the LNRS will inform local plan making and planning decisions. A vital part of the LNRS is the proposed integration of local nature recovery strategies into the planning system, so that areas of greatest potential for nature recovery can be better reflected in planning decisions; and likewise, the new duty on all public authorities to have regard to relevant local nature recovery strategies. Therefore, it seems odd that there is no mention of them in the NPPF draft and little mention in the consultation. It is hoped that this does not signal a downplaying of the role of these strategies and the importance of tackling the decline of nature.

The County Council, in respect of its responsibilities around the historic environment, considers that policies around the Green Belt must continue to also support heritage protection – and this needs to be integrated into any sustainable strategy.

Land release through plan-making

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

The County Council notes that the proposals encourage the re-use of previously developed land and grey belt land as preferable to using greenfield sites for new developments. The County Council recommends that county councils should have a key role, working with local planning authorities, to ensure that growth is prioritised in the most sustainable locations. In addition to this, it is important to ensure that the right land is released otherwise this could result in lots of small-scale development across rural areas that is difficult to provide infrastructure for and also ensure that it is sustainable.

The County Council would prefer to see larger areas of growth that are easier to plan for and to provide the suitable infrastructure for.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

The County Council agrees with the proposal that the release of land should not undermine the function of the greenbelt, however, growth should be prioritised in the most sustainable locations and supported by necessary infrastructure. This must remain a priority for all those engaged in planning and development.

Allowing Development on the Green Belt through Decision Making

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

The County Council considers that paragraph 19 may have significant implications for districts across Kent with Green Belt, and where they do not have an up-to-date plan. Resource, support, clarity and guidance must be offered as soon as possible to those districts impacted by this proposal.

Supporting release of Green Belt land for commercial and other development.

Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

The County Council recommends that any release of the grey belt to meet commercial and other development needs must still be delivered sustainably, and in accessible locations.

The County Council, as Local Highway Authority, recommends that consideration of the highway and transportation requirements for any sites must be considered before they are released for development. For example, the transport networks surrounding the sites may be subject to the movement of people and goods to these locations, which could impact negatively on the network. Therefore, the highway network must be capable of supporting the release of the land for development. Commercial sites must, therefore, be in accessible locations if they are to be considered sustainable.

In addition to transport accessibility, commercial sites may also need access to high quality digital infrastructure, or a skilled workforce which will also need to be appropriately considered if a development is to come forward on the grey belt.

The County Council would also request clarity on what “other development needs” refers to - whether this is referring to community uses, or energy production? Clarity on this must be offered to provide some understanding of the type of development which may be acceptable.

Planning Policy for Traveller Sites

Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

In Kent, the demand for pitches on council owned sites far outweighs the availability and number of pitches. The Friends, Families and Travellers organisation has stated that ‘there is a chronic national shortage of Gypsy and Traveller sites’ in the UK. As a representative example of this need, the Maidstone Borough Council interim Gypsy and Traveller and Travelling Show people Accommodation Assessment (GTAA) has identified a gross need for 606 pitches and 7 sites over the plan period to 2040. To manage the high demand, of the limited pitches that are available, at the County Council, a Pitch Allocations Policy is operated to ensure that those most in need to a permanent pitch are highest priority in applications to County Council owned gypsy and Romany traveller sites.

It was noted in the draft Kent Gypsy, Roma and Traveller Populations’ Joint Strategic Needs Assessment which has recently been completed by the County Council Public Health team, that “life expectancy is 10 to 12 years less than that of the non-Traveller population (Traveller Movement 2012)” and that a “report published by the Equality and Human Rights Commission (2009) (EHRC) suggested that amongst Gypsies and Travellers with access to secure council or private owned sites, and who had access to adequate medical care, life expectancy may be closer to that of the general population”.

The County Council therefore in principle, supports the release of more land to help provide for this need.

However, in terms of a permanent provision, the majority (if not all) Gypsy and Traveller sites are on unwanted land, and sometimes this is due to its location and/ or the nature of its previous use (i.e. landfill, proximity to waste sites etc.). This is recognised by the communities on County Council sites and wider communities.

It is therefore important to ensure that any land released is suitable for residential accommodation and also not considered to be inaccessible or too remote as locating the sites in isolated locations could make an already marginalised group, feel even more separated from the communities in which they are located. Therefore the sites released need to be suitable.

Considering the public health findings about health inequalities, allowing more private sites to be cited on PDL/isolated locations could increase the health inequalities and impact on wellbeing and safety. That said, providing more open and rural sites could mean that the residents can live a more 'outdoors lifestyle' which features heavily in gypsy culture. So an appropriate balance needs to be reached.

In Kent, there is also currently no transit provision. This means that local authorities are constantly tackling unauthorised encampments. In terms of transit pitches, releasing more sites could address this need, however releasing isolated sites could make the transit provision inaccessible and difficult to manage and could lead to greater impact on the wider community.

Overall, the County Council considers that sites should be considered the same as the release of other residential sites to ensure they not isolated and can be managed and delivered according to need.

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

The County Council notes that it is well known that GRT communities do not always declare their culture and due to the lack of pitches, there are large numbers of GRT communities living in bricks and mortar accommodation, so it is difficult to access the need accurately. This, along with a general isolation and lack of community engagement, means that the true need for pitches is unknown, however, a fair hypothesis would be that it is greater than what is known. It is suggested that the approach should therefore be to take this unknown need into account as well as gathering statistics identified through the census.

Golden rules to ensure public benefit

Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?

The County Council is supportive of the provision of affordable housing in new residential developments, however, in many areas, a target of 50% affordable housing could make the development unviable. The County Council would express concern about the balance of meeting the required percentage of affordable housing versus the costs of providing

adequate infrastructure. This can often lead to a conflict between competing local authority priorities, resulting in a reduced quantum of affordable housing or reduced provision for the mitigation of the impact on existing infrastructure and services. This can result in the delivery of unsustainable development, which must be avoided.

Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

The County Council considers that there may be need for some planning authorities to have lower targets, to ensure that development remains viable. There is a need to balance the delivery of affordable housing with economic realities – especially where viability poses a considerable challenge. The County Council considers that fixed targets are challenging and that there is need for there to be different circumstances taken account of and some flexibilities allowed for where necessary. Although the County Council is supportive of the delivery of affordable housing, growth must still be deliverable, and new communities cannot be delivered in isolation, without access to necessary transport and community infrastructure.

Overall, the County Council considers that it may be appropriate to allow flexibility on affordable housing targets to enable the delivery of housing and suitable infrastructure on Green Belt sites.

Delivering improved public access to green space

Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

The County Council, in respect of its responsibilities around biodiversity matters, welcomes the focus on providing access to good quality greenspace and nature, but the standard for distance should be more defined than a “short walk.” These applications in the Green Belt, which provide or improve green space as part of the proposal, should ensure that the space is either adopted or that national standards are proposed to provide standards to which all green infrastructure planning should, at a minimum, meet.

The County Council, as Local Highway Authority with PRow responsibilities, would highlight the need for green spaces to be accessible using Active Travel means

Active Kent and Medway recommends that green space must be available, and this must be accessible and usable. A usable space delivers a multitude of different uses if planned accordingly such as for nature, community gatherings and active recreation.

The County Council, in respect of its role around the historic environment, also notes that the protection and enhancement of heritage assets and landscapes could also be identified as a benefit.

Overall, the County Council would recommend that competing land interests are considered, and that integrated masterplan approaches are progressed. Furthermore, there must be consideration of how these sites will be managed and maintained in the long term. It is recommended that management is considered in the planning stages, to ensure appropriate

measures and funding can be secured to ensure the continued benefits arising from the green space.

Green Belt land and Benchmark Land Values

Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?

The County Council draws attention to its response to question 35 and the need to balance the delivery of affordable housing and the necessary infrastructure to support growth, and the challenges this can create for viability and deliverability. The County Council would prefer indicative benchmark land values to be fair and supportive of an outcome that enables policy requirements to be fully met, avoiding the requirement for a viability assessment/review. Green Belt land may play a significant role in bringing forward more sites for residential development, but they still need to fully mitigate their impact through the provision of appropriate levels of affordable housing and infrastructure.

The County Council would also wish to draw attention to the need for resources at both a county and local level to be appropriately skilled in determining viability. This could include, having independent specialists assessing the growth put forward and also considering how land values impact on viability. Furthermore, there is a need to ensure appropriate transparency around viability to ensure development continues to be supported by appropriately funded infrastructure whilst remaining deliverable and viable.

Question 38: How and at what level should Government set benchmark land values?

The County Council has no comments in respect of this question.

Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?

The County Council would support this in principle.

Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?

The County Council notes that, if additional affordable housing is sought that it must be delivered alongside the necessary infrastructure to serve the needs of the development, and any additional contributions must not impact on infrastructure delivery. The County Council would also consider that the viability of this approach should be considered as more affordable housing development could result in less funding for infrastructure.

Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?

The County Council agrees that where contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, which would improve upon what is currently in place as viability is only assessed at the time the planning application is determined.

In addition to the late-stage viability reviews, local planning authorities should also be provided with the resources and expertise to ensure that developments are assessed properly and that this proposed mechanism is included in their Local Plan policy.

Local Authorities also need access to viability expertise; and the list of what is and what is not included in viability calculation requires tight controls in place. Fixed costs such as a developer's marketing, advertising and publicity costs for example should not be included in viability reviews.

Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?

The County Council has no comments in respect of this question.

Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?

The County Council has no comments in respect of this question.

Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?

The County Council has no comments in respect of this question.

Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?

The County Council is broadly supportive of the approach set out in paragraphs 31 and 32 – subject to the detail of the land assembly process being clear and transparent to all parties and would request that county councils are included / consulted as statutory bodies and providers of critical infrastructure.

The County Council would welcome further details of how, through legislation, the government can ensure that organisations such as local planning authorities, combined authorities, and Homes England could take a more proactive role and statutory role in the assembly of the land to help bring forward policy compliant schemes. The County Council would also like it made clear as to what policy might apply to 'policy compliant schemes' – and whether these possibly be used by local highway authorities to secure the timely delivery of new road schemes, or the adoption of PRoW for improved connectivity?

Question 46: Do you have any other suggestions relating to the proposals in this chapter?

The County Council draws attention to the need for better data availability and sharing between stakeholders around land use to allow for better planning.

Chapter 6 – Delivering affordable, well-designed homes and places

Delivering affordable housing

Delivering the right mix of affordable housing

Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

The County Council would encourage the delivery of homes to meet the wide-ranging needs of the population to support balanced and sustainable communities. The County Council will support the districts across Kent by engaging in the planning and delivery of infrastructure to support housing of all typologies and tenures.

Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?

The County Council has no comments in respect of this question.

Question 49: Do you agree with removing the minimum 25% First Homes requirement?

The County Council has no comments in respect of this question.

Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?

The County Council has no comments in respect of this question.

Promoting mixed tenure development

Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

The County Council agrees that delivering sites with a mix range of tenures and types can create more diverse communities, as well as encouraging stronger delivery of sites through market diversification. The type and tenure of homes must be suitable for the area and be determined through evidence-based research of the local area needs and requirements.

The County Council would, in principle, support a policy that promotes mixed type and tenure developments if they provide a more sustainable model for the residents of those communities. For example, if the pressure on community facilities and infrastructure is more evenly distributed, the development can support a range of on-site infrastructure and community facilities that can be accessed by a range of different age-group and socio-economic groups.

Supporting majority affordable housing developments

Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?

The County Council would not support a policy which promoted high percentage Social Rent/affordable housing developments in isolation from other communities. The County

Council's view is that these should be integrated within larger-scale new developments or on brownfield sites in existing urban areas, so that they remain connected to a larger mixed community with access to a range of adequate infrastructure and services.

The County Council, as Local Education Authority, would also wish to note that certain types of housing tenures can produce higher rates of pupil product, and this should be considered when planning these new developments and the subsequent impact on existing education infrastructure and children's services provision.

Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

The County Council considers that it may, at times, be appropriate to set a maximum site size for a high percentage Social Rent/affordable housing development to ensure a balanced community. In accordance with the County Council's response to question 52, it should also be necessary to include a consideration of the development's proximity to other types of housing tenures.

The County Council recommends that social integration and community cohesion must be promoted, with tenure blind developments creating balanced and viable communities.

Question 54: What measures should we consider to better support and increase rural affordable housing?

The County Council considers that in respect of its role around the rural economy, it would support the concept of provision of a national network of Rural Housing Enabling services to ensure independent support and advice is available to help communities deliver small scale affordable housing schemes (where infrastructure is available to support the schemes). The Rural Housing Enablers must have an established fund to sustain a national network.

The County Council would also recommend that the planning process ensures clear consideration of the housing needs of rural communities and ensure provisions and policies are in place to support these communities, reflecting their individual needs. The County Council would also note the increasing challenges with the availability and affordability of homes for agricultural workers, including traditional farm workers.

Meeting the needs of looked after children

Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?

The County Council, in respect of its role to 'Look After Children' (Operational Integrated Children's Services), recommends that any children's homes that are planned should be earmarked for children that are local to that home, and any new homes brought forward should be within areas of need.

Ofsted's data showed there are significant disparities in the distribution of homes and places between regions and has long raised concerns about a mismatch between the location of homes and local levels of need and demand.

Delivering a diverse range of homes and high-quality places

Strengthening support for community-led development

Question 56: Do you agree with these changes?

Based on the description and ethos of community-led development within the consultation document, the County Council would be supportive, in principle, of this approach as it is likely that local communities may have a reasonable understanding of the housing development needs for their area and are more directly invested in development as a true placemaking tool. This approach could present the opportunity to provide a better quality and designed end-product than can be the case with larger, volume housebuilders.

However, the success of this approach would be very dependent on the skillsets of those involved in delivering community led development and there would need to be a robust set of checks and balances to ensure that development delivered in this way was achieving its objectives. There would have to be close monitoring of groups it is being suggested at point (a) to deliver community led development that have not previously delivered housing.

Removing a restriction on the size of community led exception sites as suggested at point (b) might be feasible if other key checks and balances such as quality, density, and visual intrusion etc, can be adequately protected within the alternative limit suggested to be established within an area's development plan. Development still must be appropriate to the local area.

The sites themselves would also need to be tested to ensure that they are in areas offering sustainable transport options. In addition, as these sites may have previously been commercially unviable, there would need to be consideration given to how they would be assessed for policy compliance in terms of affordable housing delivery and mitigating their impact on local infrastructure and services.

Question 57: Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?

The County Council would note that organisations that are not Registered Providers must have the necessary expertise and resources to be able to deliver and, where necessary, manage, affordable housing for rent. This is to ensure that in the long term, these homes continue to be sustainable places to live and also to ensure the long-term provision of quality homes.

Making the small site allocation mandatory

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

It is possible that the promotion and offer of small sites has reduced because of the trend and focus to deliver very large-scale Garden Communities that deliver a considerably quantity of new homes in one location. There could be either the concern that smaller sites do not deliver the necessary volume in multiplier terms towards meeting housing targets, and delivery by smaller developers can be less certain or sustainable, and more financially

risky. This may have led to local planning authorities favouring large sites over those smaller ones.

It is the County Council's understanding that smaller sites are also more difficult for developers to engage affordable housing provider (AHP) partners for the affordable element of a scheme because the number of affordable units on offer does not make delivery a viable option for the AHP.

A larger number of smaller sites delivered by SMEs / smaller developers potentially makes for more difficulty planning for infrastructure need, the potential being that several smaller sites come forward in fits or starts, or indeed are more likely to not happen for many years, or indeed ever.

To support the inclusion of a greater number of small sites for allocation, Government could subsidise / part subsidise developer contributions due on smaller sites to encourage more small site development and encourage smaller developers to engage.

Furthermore, the County Council would recommend that both further guidance, and additional resources should be provided to local authorities to manage this area of planning.

Requiring "well designed" development

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?

The County Council agree with the proposals to retain references to well-designed buildings and places. It is considered that the term "beauty" is subjective and subject to interpretation and opinion, the County Council therefore considers alongside this proposal that it might be helpful to expand the reference to well-designed buildings and places to include criteria within legislation rather than just have guidance. It is also considered that considering 'beauty' does allow more reflection on a development so could still be considered.

Homes and places must not just be well designed, but should be in sustainable locations, sustainably designed and resilient – more objective terminology must be used, so it is suggested that a reference to sustainability is included. This is especially important to protect the heritage value of places with reference to the significance and contribution to place identity, heritage, and community. The County Council would recommend that skills and expertise must be available in all local authorities for these references to be successfully applied and enforced.

Supporting upward extensions

Question 60: Do you agree with proposed changes to policy for upwards extensions?

The County Council, in respect of its responsibilities around the historic environment, considers that mansard roofs should not be mentioned in the revised NPPF as this is a specific design solution. The NPPF should be used as a high-level document, to explain and secure specific principles and approaches to design rather than focus on detailed design issues.

The principle of supporting intensification, including by upward extension with appropriate designs, should be incorporated into the NPPF provided there are safeguards to protect the setting of Heritage Assets and the character of the area.

Question 61: Do you have any other suggestions relating to the proposals in this chapter?

The County Council has no comments on this question.

Chapter 7 – Building infrastructure to grow the economy

Building a modern economy

Changes to the NPPF to support these modern economies

Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

The County Council recognise the importance of needing to plan for infrastructure which enables the modern digital economy. The County Council notes that this must include mobile infrastructure to ensure all communities have appropriate digital access – this is a matter which should be considered as part of any strategic planning mechanisms.

Overall, the County Council in consideration of its role in the Kent and Medway Economic Partnership, is broadly supportive of the approach to make it easier to build key infrastructure facilities that are critical to growth such as laboratories, gigafactories, data centres and digital infrastructure. There are existing grid capacity constraints that can limit this type of development which is still of particular concern across Kent and ensuring that renewable electricity feeds such sites is essential to assist with decarbonisation.

The County Council agrees with the approach to provide more explicit recognition of the need to support proposals for new or upgraded facilities and infrastructure that are key to the growth and development of knowledge, creative, high technology, and data-driven sectors. The County Council recognises that there should be an infrastructure-first approach and adequate funding and support to enable this and that such development should not be at a cost to the natural environment.

Both freight and logistics are key industry sectors in Kent given the role of the county as an economic national and international gateway. The County Council therefore supports the general principle to encourage decarbonisation, adaptation to changing patterns of global trade and the adoption of new and emerging technologies across the transport, distribution, and storage operations.

The County Council agrees with the general principle that the expansion or modernisation of sites linked to key growth industries is a suitable proposal. Provided the additional commercial sites are identified in plans and positively considered in planning applications when they are of local, regional or national importance, is also agreed. It is also suggested that further support for economic growth and resilience, while balancing a need to preserve and protect the natural environment is recognised. In particular the County Council would ask that for example the legislation seeks to ensure that the storage of batteries etc or the

increase in energy requirements to provide the use does therefore not impact on the local environment.

The County Council, as Local Highway Authority, recommends that sustainable locations and safety / capacity of the network must be considered in the siting of these facilities. The County Council supports the amendments to paragraph 87, for which it is interpreted that 87 (b) and (c) are positively applicable to lorry parking facilities. Provision for lorry drivers' legal breaks (both regular and overnight) are "needed to support the supply chain" and to "support economic growth and resilience," such as cross-Channel goods vehicle traffic. The County Council appreciates that existing paragraph 113 remains unedited as new paragraph 111, providing a helpful alignment with Department for Transport (DfT) Circular 01/2022, "Strategic road network (SRN) and the delivery of sustainable development", paragraph 81, which states: "In areas where there is an identified need, the company [National Highways] will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of [heavy goods vehicle] HGV parking on or near to the SRN."

Question 63: Are there other sectors you think need particular support via these changes? What are they and why?

The County Council, in respect of its role around digital infrastructure and mobile connectivity, considers that there is a need for greater upfront engagement between local authorities and mobile network operators to enable to right sites to be planned for, especially given the specific mobile requirements. All mobile infrastructure should adhere to the Government's best practice guidelines.

The County Council urges that mobile connectivity needs must be planned into new housing schemes to remove the need for retrofitting of new mobile phone masts. Failure to do so can create capacity issues within the local mobile network and degrade the existing coverage which is unacceptable.

In respect of data centres, the County Council recognises that these are necessary to enable the modern digital economy particularly with respect to developing opportunities around AI. Their resource intensive nature, particularly with respect to energy and water creates challenges, especially in a county such as Kent where water resources are already depleted and stressed.

The County Council considers that there is a need to safeguard against an oversupply of data centres to ensure that there is sustainable development of the sector – and not a detrimental impact on both local and national net zero targets.

The County Council recommends that it would be helpful if a national evidence base were to be developed, identifying the need/demand for data centres. There is also a need to clearly explain the role and importance of data centres (to those working outside the technology sector) to help enable the identification of suitable sites within local plans and create greater awareness within the planning process.

Furthermore, the County Council is supportive of the principle of promoting the development of commercial sites for high-growth sectors. The NPPF should also be mindful of protecting land that enables growth in the food & drink sector. Kent contains a significant concentration

of England's grade 1 and 2 agricultural land which should be protected to promote food security and the sustainable growth of this sector within the county, but for the country.

Directing data centres, gigafactories, and laboratories into the NSIP consenting regime process

Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

The County Council would like to use this opportunity to continue to raise its general concerns with the current NSIP regime and the treatment of local authorities which may affect the ability to engage.

The County Council has proactively engaged in the NSIP process across a diverse range of projects. However, the NSIP regime, despite ongoing reforms, does not adequately support councils in their engagement in the process. Proper funding to ensure adequate resources and expertise are appointed to the projects cannot be secured. The County Council is therefore concerned that if further projects were to proceed through the NSIP regime, the constrained resources of officers engaged in the NSIP processes will be placed under increasing pressure, without proper financial support. Unless reforms genuinely address this ongoing problem of under resourcing, the outcome is likely going to be further delays to delivery and negative impacts for communities. Full cost recovery mechanisms must be implemented and must be extended to include local authorities to ensure adequate resources can be applied to the projects and that councils' duties to their communities can be fulfilled.

The County Council would note that it must be clear when a data centre, gigafactory or laboratory may fall under the NSIP regime, there is a need to ensure there is no ambiguity on this point. By drawing these projects under the NSIP regime, this must not cause undue delay to the delivery of these commercial developments. Furthermore, there should remain a clear role for these projects with the local planning regime, there should be encouragement for these sites to continue to be allocated through local plans to ensure that the County Council and other stakeholders can engage at the earliest stages to ensure that infrastructure, such as highways and transportation, can be planned and delivered to support the development.

Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

The County Council has no comments in respect of this question.

Question 66: Do you have any other suggestions relating to the proposals in this chapter?

The County Council has no comments in respect of this question.

Chapter 8 – Delivering community needs

Public infrastructure

Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

The County Council supports the proposal to make clear that significant weight should be placed on the importance of facilitating new, expanded or upgraded public service infrastructure when considering proposals for development. This is because it is clear that the pressure on infrastructure and services continues to grow, and this will be further exacerbated through increasing housing growth. The County Council advocates an infrastructure first approach where infrastructure must be planned, adequately funded, and delivered in a timely manner. Planning reform must support this approach.

In bringing forward this approach to public infrastructure, the County Council considers that it is of paramount importance that the Government defines the key public infrastructure that should be supported and also provides the tools and powers to ensure housebuilders, in particular volume housebuilders, pay the appropriate level of mitigation towards infrastructure. A much wider consideration of modern community infrastructure needs, which may not take the form of new buildings or land for new facilities needs to be considered. This might include for example: resourcing new models of public service delivery such as outreach services, community-hub based services, equipment and resources to support remote (on-line) service delivery as well as green/open space to promote better physical and mental health, facilities for specific needs such as Special Educational Needs and Disabilities (SEND) provision and hard-to-reach groups, and Changing Places to ensure all public buildings are fully accessible.

The County Council also considers that it is important to consider the wider infrastructure needs to support development and consider that the public infrastructure should include ensuring that there is adequate water supply and sewerage for new developments coming forward.

The County Council continues to highlight that the Community Infrastructure Levy is an inadequate method of ensuring housebuilders pay appropriate for their development. The County Council would ask that this form of developer contributions is reconsidered, to ensure that adequate income is paid to the infrastructure providers to enable full mitigation for development and also that in two tier authorities that county councils have more influence how developer contributions are spent.

Section 106 planning obligations and powers also need to be strengthened and able to hold developers fully to account.

The County Council, as Local Education Authority, notes that weight should be placed on the importance of new, expanded or upgraded public service infrastructure. The County Council notes that proposals do not indicate whether it will continue to be necessary to evidence the need for more education places or whether cases can be put forward simply for upgrades.

The County Council considers that there is going to be considerable pressures on ensuring the balanced delivery of public infrastructure – ensuring that local and strategic infrastructure

projects are brought forward as required. The County Council would therefore recommend that a priority list may need to be established, making clear whether increasing capacity is of more importance than improving current capacity. Overall, however, provided there is balanced infrastructure delivery, and critical infrastructure such as education receives appropriate funding to support access for new and existing communities, the weight placed on the importance of facilitating the necessary and improved public facilities is supported.

In respect of the County Council's responsibilities around children and early years, the County Council recognises the need for additional early years places to support parents to rejoin the workforce, but it would also emphasise that a child's learning journey starts from age 0 at home, and the importance of access to community programmes alongside provision of nursery places.

The County Council would also wish to see better recognition of the importance of culture and the need for appropriate cultural infrastructure - local cultural infrastructure is buildings and spaces that can be used to deliver creative classes, community activity like a choir or play, spaces that can accommodate playing music, book and knitting clubs, for example. Larger cultural hubs may be a regional theatre, art gallery or museum that has an active outreach programme. The County Council would draw attention to [Creative Estuary Cultural Planning Toolkit](#) as an example of a positive workstream around the delivery of cultural infrastructure.

Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?

The County Council, as Local Education Authority, supports these proposed changes to enhance the inclusion of post-16 educational opportunities and expand childcare facilities within new developments. However, the role of the County Council and the Local Planning Authority needs to be clear. In particular that the LEA remains the responsible body for seeking and spending these facilities.

Page 14 of the County Council's [Commissioning Plan for Education Provision in Kent 2024-2028](#) says *"When a new school is delivered according to the ESFA Baseline Design, a nursery space is now included in the design. As new schools are planned, KCC will work with the sponsor to identify early years provision and the most appropriate way to deliver this."* Existing policy mandates that all new two-form entry primary schools incorporate a standard 26-place nursery. Additionally, in its responses to planning applications, the County Council requires suitable commercial spaces to be integrated into new developments, facilitating the establishment of private nurseries within the community. This is especially crucial considering the recent modifications to childcare entitlements which will increase the demand for places.

On the basis that the developer industry is to benefit from an upskilled workforce, it would be useful (albeit complex) to also see how the improvement of apprenticeship support among micro and small SME construction businesses can be properly supported to increase and improve the number young people post 16 that enter constructions trades.

A 'vision-led' approach to transport planning

Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?

The County Council, as Local Highway Authority, notes chapter 8 – point 6 and 7 (vision led transport planning) and in principle, considers that this is a good thing and should enable more sustainable development with public transport/active travel measures, alongside traditional “car” access. However, this will only work where this is a mechanism/policy to ensure developers implement alternative sustainable measures. The County Council would ask that the policy supports the principle of encouraging actual modal shifts, as previous attempts by previous Governments has resulted in sites with in adequate parking and a high level of car use.

The NPPF already states that applications should give priority to active modes and high-quality public transport but the Local Highway Authority has little or no planning policy grounds on which to object to an application if a developer does not follow this. For example, a development could cause an extra 50 trips in each peak hour (which is relatively significant) but unless modelling shows it to be causing or exacerbating a significant issue, then the Local Highway Authority struggle to ensure an application is refused or make a developer consider other modal options.

The new wording (para 112d) would only require a developer to use vision led mitigation for “significant” impacts, meaning many may try to argue the impact is not significant and thus they will not be required to pay for other infrastructure etc.

The County Council, as Local Highway Authority, considers that proposals could result in applications with higher transport impacts being allowed as authorities struggle to refuse on the grounds within the NPPF. Ideally, local planning and highway authorities need a strong policy in place to enable them to make a case for refusal if it does not provide or already have good access to sustainable travel options (e.g. located in an isolated area with only private vehicle access as a viable option).

In respect of paragraph 113 – “in all tested scenarios” – in theory a scenario with public transport and active travel could be tested to show that the highway impact is not significant, but the County Council raises a question as to whether this would encourage the applicant to build / pay for the maximum measures to be put in place. The County Council considers that there is a risk that developments with a notable highway impact will be allowed with minimal mitigation as authorities may struggle to refuse them (or defend a refusal at appeal).

Paragraph 114 must be stronger, using language such as “must” rather than “should” – to ensure that sustainable development is as much as possible proportionate to each individual site. Strongly encouraging sustainable travel, including active travel, will support the proposed changes to promote healthy communities.

More sustainable travel is supported by the County Council; however, it should be noted that these infrastructure will lead to increased maintenance costs – funding must be provided to ensure that these modes of transport remain accessible and of high quality in the long term.

The County Council does, overall, agree that developments should be 'vision led' and focus on sustainable travel to accommodate future levels of growth, reduce the impact on existing communities and to help with other social issues such as obesity and social exclusion. However, this approach needs to be accompanied by Monitor and Manage, to ensure the objectives on which it was approved, are being achieved. Monitor and Manage is not currently discussed in the document and needs to be included. Existing paragraph 115 states *"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 would be severe"* and the proposed text adds "in all tested scenarios". The additional wording is not acceptable as it would allow applicants to create numerous scenarios and only one would need to be acceptable to be approved. This wording should be removed. In addition, the paragraph needs revising, as it does not reflect the vision led approach that the draft NPPF is proposing.

The County Council does welcome the introduction of the vision led approach but the accompanying text needs updating to give the local highway authorities more power to insist on certain sustainable measures to achieve the vision. Being able to only object to 'severe' or 'safety' concerns is not enough to ensure this approach is achieved. Monitor and Manage is needed to support a vision led approach. The County Council suggest that a definition of clarity could be offered around the term "severe" to provide more certainty on this.

The County Council confirms that it is currently following a "vision-led approach" in the production of the County Council's new Local Transport Plan 5 (currently out to public consultation). The County Council, more importantly, looks forward to further guidance on this approach and requests alignment between the updated guidance from the Ministry of Housing, Communities and Local Government and that published by the Department for Transport on the "Vision-and-Validate" approach to preparing a Local Transport Plan.

The County Council, as Local Highway Authority with PRow responsibilities, sees this as an opportunity to shift focus from default of car use. Transport planning should also reflect future demographics and address inequality and future thinking should involve a Strategic Off-Road Network as well as a Strategic Road Network, to enable safe connectivity nationally and reduce the use of the car.

Overall, the County Council would also draw attention that there is a need for strategic planning and considerations around transportation, ensuring strategic infrastructure is delivered as needed alongside local projects to encourage sustainable transportation opportunities, with necessary infrastructure provided in a timely manner, and maintained long term.

Promoting healthy communities

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

a) The County Council, in respect of its responsibilities and role in Public Health, considers that planning policy must recognise the importance identifying Local Health and Wellbeing Needs in planning policy – using public health data, evidence and guidance. Evidence must be gathered to ensure informed principles to design healthy places. The County Council considers that there must be a focus in planning on impacts on health inequalities. The

County Council recognises that public health is a cross-cutting theme-cutting theme which should be considered across all Planning Policy and not siloed.

The County Council, as Local Highway Authority with PRow responsibilities, notes that it is vital that the PRow network, National Trails, Environment, Biodiversity, Heritage are robustly protected through planning policy. Public access to green, open spaces is vital for multiple health, wellbeing, socio-economic, preservation of landscape character, encouraging modal shift away from vehicular use, Active Travel reasons. These areas play a significant part in in development planning and therefore direct resourcing to Local Authorities must be provided to ensure public open spaces are provided, managed and protected through planning.

The County Council, in respect of its responsibilities around the historic environment, notes that heritage and place making helps to provide cultural identity and promotes social wellbeing and should be protected by planning policies to promote healthy communities.

b) Childhood obesity is a significant public health issue locally and globally, with a wide range of contributing factors. Its impact on the health of children, young people, families, and society cannot be overstated and can have long-term implications for physical and mental health. Children living with obesity are more likely to experience poor mental health and have links to lower academic achievements.

The Environment in which individuals live, work, and grow significantly influences their health and quality of life.¹ Although personal lifestyle choices about diet and physical activity play a role, it is now accepted that the most important drivers of obesity lie beyond the individual's control. Structural actions beyond education and information are therefore needed.² Creating healthier environments through policy and planning interventions is crucial in addressing obesity and reducing health inequalities. For instance, local authorities can implement policies to limit new fast-food outlets close to schools and promote active travel and access to green spaces.^{3 4} By influencing the design and use of built environments, planning policies can improve population health and reduce health inequalities.

Local authorities, in collaboration with various stakeholders, can play a pivotal role in transforming obesogenic environments into healthy communities given that planning policies can also contribute to minimising the effects of other factors such as pollution, noise, and climate change.⁵ Additionally, creating a healthier environment through planning can positively influence behaviour, as demonstrated in the video - [Behaviour Change By Design \(youtube.com\)](#)

¹ The Marmot Review (2010) Fair Society, Healthy Lives. Available at : <https://www.parliament.uk/globalassets/documents/fair-society-healthy-lives-full-report.pdf> (Accessed 20 August 2024).

² National Institute for Health and Care Research (2022) Preventing obesity in children and families. Available at: [Preventing obesity in children and families - NIHR Evidence](#) (Accessed 20 August 2024).

³ Public Health England (2018) Promoting healthy weight in children, young people and families: A resource to support local authorities. Available at : [Promoting healthy weight in children, young people and families: A resource to support local authorities \(publishing.service.gov.uk\)](#) (Accessed 20 August 2024).

⁴ Department of Health and Social Care (2018) Childhood obesity: a plan for action, Chapter 2. Available at: [childhood-obesity-a-plan-for-action-chapter-2.pdf \(publishing.service.gov.uk\)](#) (Accessed 20 August).

⁵ Public Health England (2020) Using the planning system to promote healthy weight environments. Available at: [Using the planning system to promote healthy weight environments \(publishing.service.gov.uk\)](#) (Accessed 20 August 2024).

Overall, the County Council considers that National Planning Policy could better support local authorities in promoting health communities and tackling childhood obesity by:

- **Prioritising Active Travel:** Ensuring that all new developments, particularly housing and schools, are accessible by safe, well-maintained walking and cycling routes. This would encourage residents to choose active modes of transport for daily errands and activities.
- **Mandating Adequate Open Space:** Requiring developers to provide suitable, well-designed open spaces within new developments. These spaces should include facilities for walking, running, and cycling, as well as play areas and sports pitches.
- **Supporting Healthy School Environments:** Encouraging and, where necessary, resourcing new schools and academy trusts to include appropriate sports pitches and associated facilities, such as badminton courts and multi-use games areas. These facilities should be accessible to both the school community and the wider public.
- **Promoting Sustainable Design:** Encouraging sustainable design principles in new developments, including green infrastructure, such as green roofs and rain gardens. These features can help to create healthier, more resilient environments.
- **Collaborating with Public Health Bodies:** Strengthening collaboration between local authorities, public health bodies, and other relevant organisations to develop and implement evidence-based strategies for promoting healthy communities and tackling childhood obesity.

Question 71: Do you have any other suggestions relating to the proposals in this chapter?

The County Council, as Local Highway Authority, notes that Paragraph 109 of the current NPPF states *“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.”*

The Local Highway Authority considers that the last sentence is concerning as this could allow developers to develop in the rural areas where sites are not usually truly sustainable. These areas often have small country lanes, high speeds, no footways, no cycle routes, infrequent bus services, lack of forward visibility, and the scale of development does not often allow for major improvements, nor is the land regularly available to implement major improvements. With housing targets being increased and development permitted in the grey belt, the Highway Authority is concerned that development in the rural areas could increase. It is therefore requested that this sentence is removed, or that the policies throughout the NPPF make it clear all development must meet minimum sustainability criteria regarding regular high quality bus services, sufficient footways and cycle routes to shops, bus stops and train stations etc.

The requirement for sustainable travel infrastructure must be enhanced in the NPPF. For example, existing paragraph 108(c) states “opportunities to promote walking, cycling and public transport use are identified and pursued;” this does not specify what type of opportunities should be considered or to what level and could technically be fulfilled by creating one footway. Paragraph 109 states “...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”.

Sustainable travel is more easily achieved when a site is looked at holistically and all pieces (landscape, lighting, place making, density, transport infrastructure, parking, trees, etc) are looked at together (vision led). There is currently no specific policy within the NPPF that supports highway authorities in requiring measures such as bus lanes, free public transport, dedicated cycle routes and developers therefore do not always see these as necessary. Now that a vision led approach is being taken, this section should be updated to ensure that highway authorities can request these types of measures to support the overall vision of the site, rather than only being able to object to ‘severe’ or safety impacts. This is key in creating high quality developments rather than just lots of housing.

Paragraph 115 of the current NPPF states *“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 would be severe.”* This paragraph is the key one for the Local Highway Authority and one that is consistently quoted by developers who refuse to implement measures that have been requested that are not associated with junction improvements. It is also ambiguous leading to different interpretations of ‘severe’ with some planning inspectors saying one or two cars is severe and some saying a large number of vehicles adding to the back of a queue is not severe. This paragraph needs to be revised, particularly considering the change to a vision led approach where congestion is only one part of what needs to be considered.

The County Council, in respect of Public Health, would recommend that there needs to be a clear understanding that in two tier local government, there are added complexities around strategic priorities, levels of expertise and capacity around this priority which presents challenges e.g. Public Health expertise sits at a County Level and planning at a District. There is therefore a need to ensure local planning authorities in both unitary and two-tier areas have access to the same skills and expertise required to develop policies which enable and promote healthy communities. Furthermore, the County Council requests that there are clear definitions provided of what a viable ‘healthy community’ is; what health inequalities are and how this relates and can be impacted upon by planning.

Active Kent and Medway would request the encouragement, guidance, and investment into walkable communities, mixing use and co locating facilities, linking open spaces, streets as open spaces and active infrastructure in sports facilities, public spaces, and workplaces.

Overall, it would be hugely beneficial to see investment into community engagement, and for the NPPF to appreciate community engagement as a profession and expertise, to support the development of appropriate local housing.

Chapter 9 – Supporting green energy and the environment

Supporting onshore wind

Bringing onshore wind back into the NSIP regime

Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?

The County Council does recognise the strategic nature of energy needs, particularly in the context of housing, environment, and economic growth ambitions. The County Council therefore reflects on the urgency in designating clear policy to support the delivery of energy across the Country – which includes the consideration of large onshore wind projects.

The County Council would refer to its commentary in respect of Question 64 and the need to ensure appropriate mechanisms are in place to allow for proper resources in local authorities to be secured and provided with the necessary skills and expertise to be able to properly engage with the NSIP process, this includes onshore wind projects.

Supporting renewable deployment

Strengthening the NPPF

Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

The County Council, in respect of its role around climate change and adaptation matters, notes that paragraph 7 states “*a stronger expectation that authorities proactively identify sites for renewable and low carbon development*”, this describes the Local Energy Action Plan (LEAP) process; but there is no mention of support for LEAPs consultation, or how Government could standardise their content, scope and location to create a joined-up map of the UK. A joined-up approach is suggested between planning authorities, relevant stakeholders including the UKPN to effectively plan for future energy needs. This should be encouraged through legislation.

The County Council, in respect of its role in the historic environment, would recommend that planning must ensure sufficient safeguards for the historic environment are retained. Heritage assets are a fragile, non-renewable resource and once destroyed cannot be recreated.

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

The County Council, in respect of its responsibilities around biodiversity matters, considers that habitats that have a vital role in carbon sequestration should be considered unsuitable for renewable energy development, where that sequestration role would be either adversely affected, reversed, or lost. The County Council does not consider this to be a reasonable outcome that in the drive to net zero and green energy, that the natural habitats already making a contribution were lost. It is therefore suggested that the existing sequestration

should be prioritised over new renewable energy generation. Otherwise, the release of greenhouse gases from habitats such as peat soils, risks counterbalancing or outweighing the carbon benefit of the renewable's installation. Additionally, the new installation will have a finite lifetime, whereas the sequestration benefits are permanent.

Setting the NSIP threshold for solar generating stations and onshore wind

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?

The County Council agrees with the proposed threshold increase for onshore wind projects to be deemed Nationally Significant. Onshore wind turbines generate significantly more power than those that existed when the current threshold was set, so it makes sense to increase the threshold accordingly. Given that the capacity of modern turbines is now up to double what it was in 2008, a threshold increase from 50MW to 100MW is commensurate with improvements in turbine performance.

Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

The County Council agrees that the threshold at which solar projects are deemed to be Nationally Significant should be increased from 50MW to 150MW. As stated in the consultation document, recent technological improvements mean that many small or medium-sized projects now exceed the 50MW threshold and it no longer makes sense for such relatively small installations to fall within the NSIP regime.

In Kent, a number of ground-mounted solar projects are clustered just below the current 50MW threshold, suggesting deliberate under-sizing of capacity to avoid entering the NSIP process and the increased costs and timelines associated with this. This practice hinders the energy transition and the optimal use of resources for achieving net-zero, energy security and lower bills for residents.

Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?

The County Council agrees with the new thresholds proposed in the consultation document.

Tackling climate change

Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

The County Council, in respect of its role and responsibilities around climate change and adaptation matters, observes that there is a need for consistency across the NPPF to ensure that that all aspects of growth contribute to Net Zero targets. The County Council would also encourage a step change in the NPPF towards net zero building standards for both housing and commercial development. There should also be consideration of how the planning process could introduce measures and provide infrastructure to encourage change in behaviours towards more sustainable living.

The County Council, as Local Highway Authority, notes that the NPPF states developments should consider sustainable modes first, however, new development does not always meet this objective. Policy needs to be stronger in its requirements for sites to create good walking, segregated cycling and public transport routes, as well as complementary measures such as car clubs and free public transport taster tickets. These must be available at the earliest point of occupation.

The County Council, as Lead Local Flood Authority, recommends that the NPPF should set a maximum water consumption target for new developments at 110 litres per person per day. Currently this is the minimum, but the Government's targets for national per capita water consumption are 110 l/p/d. The NPPF should be helping to achieve this target by driving down the consumption of water in new developments. This would support the concerns about water resilience set out in Chapter 9, Paragraph 24 of the consultation. Indeed, where it is proposed to go below the 110 l/p/d, this should be positively encouraged and recognised. The Lead Local Flood Authority is aware of Local Plans being rejected on the basis that the desired l/p/d proposed within was too low and thus unachievable – there must be an opportunity to test this level to demonstrate that it is achieved.

Water recycling and rainwater harvesting should be encouraged through planning policy, especially in commercial developments where it will have a significant impact.

The Lead Local Flood Authority also recommends a requirement is put in place that new developments retain or, in the case of brownfield sites, create a dedicated percentage of open space for the use of on surface SuDS (sustainable drainage systems) features. This would result in less time being wasted in master planning discussions regarding provision requirements for surface water management and provides the associated climate change and biodiversity benefits.

The Lead Local Flood Authority, whilst understanding the need to increase density and build upwards, would recommend the strengthening of the requirement for the use of Green, Green/Blue roofs to be used where appropriate. The County Council consistently see financial implications cited as a reason for these systems not to be used without any empirical evidence – this attitude change must be driven through policy change.

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

The County Council, in respect of its role and responsibilities around climate change and adaptation matters, notes that the Department for Environment, Food and Rural Affairs, (DEFRA) now defines reduction emission work by industry sector, but there are few carbon accounting tools designed to be used within each specific sector. The County Council would also welcome exploration of carbon accounting through the plan making and development management stages.

The County Council would also wish to ensure that the tools for accurate carbon accounting do not become too complex, which can deter use and does not deliver true benefits. The County Council would ask that tools must be developed through positive engagement, and implemented with appropriate resourcing in place that has had appropriate training to ensure these tools are effective.

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

The County Council, as Lead Local Flood Authority, considers that planning reform must include the following changes to improve its effectiveness:

- Encourage developments to reduce runoff beyond just greenfield land where this will reduce flood risk downstream, to be determined in the Strategic Flood Risk Assessment (SFRA) and support a more sustainable water environment.
- Ensure no surface water connections to the foul or combined sewer; inability to discharge surface water sustainably should be a reason a site cannot be developed, like flood zone 3b.
- Mandatory minimum reductions in runoff from brownfield sites e.g. at least 50%.
- All systems to be positively drained unless categorically demonstrated as unachievable.
- The associated Non-Statutory Technical Standards for SuDS (sustainable drainage systems) systems should be revised and made statutory.
- Right to connect under the Water Management Act to be removed.

Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?

The County Council recognises that there is an increasing awareness around climate change matters, however, there appears to be a clear difference in views nationally and locally as to how this issue should be addressed. There must be engagement to ensure cohesive and supported action moving forward. The County Council would also at this stage again advocate the need for strategic and collaborative working to implement real change around climate change. Collaborative working must include all key stakeholders, including utility companies (including water and digital infrastructure), local authorities and government agencies (including the Environment Agency).

The County Council would generally welcome strengthening of planning policy around this topic, for example, additional wording to make policies more enforceable and responsibilities clear. The County Council would recommend that there must be close working between planning reforms and Building Regulations to ensure they complement each other and it is clear which legislation is intended to deal with each issue.

The County Council also recommends that there needs to be consideration of existing housing stock, as well as new development. Planning may not be able to address this and there should be other supportive workstreams to ensure that existing stock is also as sustainable and resilient as reasonably possible.

Local authorities at both a local and county level, require necessary resources to be able to ensure planning supports this agenda. This expertise will need to have access to training to ensure they remain up to date in their skills and expertise given the pace of change. Toolkits

can be a useful tool to ensure resources remain up to date, but these should be implemented carefully and effectively. Education and resourcing will be essential.

The County Council would like consideration of positive matters which can be addressed at the earliest stages of design, such as building orientation. Design policies, especially at a strategic level could be helpful in this respect and respond to a larger area.

In respect of transportation, the Local Highway Authority notes that planning is seeking a more passive approach to developments being supported by sustainable transport modes rather than an established vision. The new wording emphasises the need for stakeholders to be intentional in identifying and pursuing development locations that are not only compatible with sustainable transport modes but are directly supported by them. Encouraging modal shift towards more sustainable forms of transport must be implemented early on in a development to encourage behavioural change.

The County Council understands that strategic policies must be informed by a Strategic Flood Risk Assessment (paragraph 166) to manage flood risk, however, this has not been required for other climate change impacts. It is therefore recommended that policies are informed by a Climate Change Risk Assessment (CCRA) to ensure that climate risks can be measured and managed accordingly. This will ensure that local authorities incorporate adaptation on a national scale, encouraging parts of the country that currently do not have CCRA's completed for their area to find a way to undertake one (either funded or otherwise). This will provide increased compliance and accountability of new development to proactively adapt to climate change through the documentation of climate risks and their control measures.

The County Council, as Lead Local Flood Authority, considers that a requirement should be included for evidence of embedded carbon of materials and methods associated with drainage systems to be demonstrated with a view to it being demonstrated that this has been minimised as much as possible.

Availability of agricultural land for food production

Question 82: Do you agree with removal of this text from the footnote?

The County Council, in respect of its role regarding rural economy matters, would only agree to the removal of the footnote provided that the national policy remains clear that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Farming for food is dependent on it being financially viable for farmers – and the current economic climate for farmers is not indicative of a thriving sector. This sector must have adequate support through the planning system and wider Government initiatives.

In addition to this, the County Council would like to see more protection for good quality agricultural land, as this supports the local economy and protects the character and supports the agricultural business that farm in the County.

Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?

The County Council, in respect of its role regarding the rural economy matters, recommends that policy must ensure that food production is offered appropriate protection and this matter must be strengthened in the text, and food production must be seen as an economic benefit.

The County Council would also recommend that planning policy needs to have an appreciation of agricultural infrastructure and its requirements. The County Council also seeks to ensure that agricultural land does not fall into the Grey Belt where land is productive.

The County Council would also recommend consideration of how urban, and peri-urban areas could be an opportunity for enhanced horticultural management – and other measures to enhance food production. This could include allocating sites for horticulture: smaller portions for individual or local group production (i.e. new allotment style sites) and larger portions for new entrepreneurial ‘market garden’ enterprises. This could be within and around urban areas and allow housing development without compromising overall food production.

Supporting water resilience

Improving the current thresholds for water resources developments in the NSIP regime

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

The Lead Local Flood Authority recommends that water recycling and rainwater harvesting should be encouraged, especially in commercial developments where it can have a substantial impact.

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

The County Council has no comments on this question.

Question 86: Do you have any other suggestions relating to the proposals in this chapter?

The County Council, in respect of its responsibilities around biodiversity matters, notes that there are no proposed amendments or additions to section 15 in relation to conserving and enhancing the natural environment of the NPPF. This would suggest to the County Council that it is considered the current planning framework and associated approaches and protections are sufficient. The County Council would argue this was not the case – and during stakeholder engagement for the development of the Kent and Medway Local Nature Recovery Strategy, many people, from a broad and varied range of sectors, reported that the current planning system is failing in this regard.

Whilst the County Council appreciates the need to address the issues of the current planning system, it seems that the opportunity of a full review is not being taken. It is vital that the planning system plays its role in safeguarding and enhancing the habitats and nature to ensure, the delivery of quality housing in environments that continue to function and provide the range of ecosystem services that we so heavily rely on and will rely on further due to

climate changes. This is especially the case in reference to the legally binding commitment to reduce the decline of nature by 2030 – good land use planning is integral to the delivery of this.

The County Council, in respect of its role in the historic environment, notes that there have been no specific changes to the content of Chapter 16 - Conserving and enhancing the historic environment of the current NPPF. However, the benefits of heritage for community identity, wellbeing and placemaking have not been recognised in any of the accompanying documentation. It is important that the role which heritage assets and the wider historic environment can play in creating well-designed characterful spaces with a strong sense of place and identity, particularly in the context of regeneration of former industrial or previously developed areas, should be set out more clearly in policy and accompanying documents. Similarly, well cared for heritage assets in well used public spaces can help tackle antisocial behaviour and reduce crime.

Separately, the County Council notes that this chapter seeks to introduce further projects into the NSIP regime. The County Council considers that alongside bringing further projects into the NSIP, there needs to be reform as to how this process is currently performing. Reforms should be driven through consultation with key stakeholders – including applicants, the public and local authorities. The Planning Advisory NSIP network could be a useful source to help assess and consider the reform proposals which could improve the process and ensure the effective and efficient delivery of energy projects.

For example, although updates to National Policy Statements around energy have been welcomed as providing a level of certainty around Government direction, there is still a need for further policies around matters such as local authority cost recovery and community benefits.

Furthermore, it must be recognised that local authorities require significant resourcing to be able to engage in the NSIP process. It is a specialist area of planning, and there therefore needs to be more resources and training at both an officer and a Member level to be able to facilitate proper engagement. This proper engagement is needed to ensure that communities also feel they are properly represented in the process.

Chapter 10 – Changes to local plan intervention criteria

Revision of the local plan intervention policy criteria

Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?

The County Council considers that this appears to be reasonable and could reduce the level of uncertainty for which Government intervention may be exercised. However, there must be details provided of what intervention could be, and what support will be put in place to support local authorities.

It would also be important to ensure that this proposal would support county councils where the Local Plan fails to properly plan for development and in particular infrastructure provision.

Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?

The County Council has no comments in respect of this question.

Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects

Changes to planning application fees

Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?

The County Council is generally supportive of an increase in planning fees for all development to better reflect the cost of processing an application. Any change should be reasonably based on the scale of the development.

The County Council would note that in respect of householder application fees, raising the sum will make it unaffordable to residents and deter them from applying. Post development enforcement action will cost more in time and resources than income from raised fees. The County Council questions whether there is a means to simplify the process of applying and assessing householder applications so that they can be dealt with in a cost-effective manner to prevent cost deficits.

The County Council, other than for its own planning applications, receives no fees at present for planning applications other than for pre-application services, for certain services, despite its integral importance as a statutory consultee in the planning process. Some applications and proposals amount to considerable officer time and resources to be able to manage. The County Council would therefore use this opportunity to ask that in two-tier areas, there could be a clear mechanism for county councils to receive a fee towards planning applications which they are engaged with. The income generated from this could assist in covering resources and maintaining and improving resources.

Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.

If Yes, please explain in the text box what you consider an appropriate fee increase would be.

The Planning Portal fee adds substantially to each householder application cost with a flat fee, imposed regardless of the size of an application – the County Council considers that, at times, this is disproportionately large for house extensions. A variable rate could be applied and more of this profit should be passed on to the planning authorities to help cover the cost of assessment.

Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?

Yes

No – it should be higher than £528

No – it should be lower than £528

no - there should be no fee increase

Don't know

If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.

The County Council, respecting its role in the planning process, would note that this question may be more relevant for district councils. However, they would ask how the variation in fees across the country could impact where developers develop.

It would be useful for authorities to understand how the cost recovery figure was reached – hourly rates, time assumed to process an application, additional costs factored in (travel, postage, printing, advertising, technical consultee costs, resourcing / infrastructure costs). This would help the County Council in understanding whether the approach could be taken into consideration with applications submitted to the County Council.

Proposed fee increase for other planning applications

Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.

The County Council notes that there are a number of planning activities undertaken by the County Council, as Minerals and Waste Planning Authority, where the fee is inadequate or no fee applies. This includes section s73 applications, applications for small to medium sized commercial/industrial applications (including minerals and particularly waste development} and discharge of conditions for non-householder applications.

The County Council agrees that planning authorities need to be appropriately resourced to provide a high-quality planning service and deliver timely planning decisions to support priorities for growth. Planning application fees do not cover planning service costs and despite the increase in fees in 2023, the public purse continues to fund some of a developer's costs in bringing forward development. Whilst the fee assumptions set out in the consultation may be appropriate for decisions made by Borough and District Councils, this is not true of decisions made by a County Council for mineral and waste development which, by definition, are all classified as major. The processing costs of these applications are rarely covered by the planning fee. Unlike decisions for other forms of development, the specialist nature of 'county matter' development relies heavily on the ability to determine variations pursuant to s73 of the Town and Country Planning Act, attracting a planning fee of just £293. The County Council notes that the Government is giving consideration to previous comments that were made to the consultation in respect of the Levelling-up and Regeneration Act 2023 and that Planning Advisory Service is undertaking further work on this matter. This is welcomed and the County Council would be happy to assist in this work if it would be beneficial. The County Council previously provided experience of processing costs for s73 applications and where additional fee resource is justified. For completeness, these are set out below.

'The fee for any planning application needs to be a fair reflection of the work involved and set at a level so that costs do not fall disproportionately upon the local authority. Despite the recent welcome fee increases, the national planning application fee is currently set too low for changes to mineral and waste development. Mineral and waste permissions are often operational for decades and can be subject to a number of significant changes over that period, resulting in multiple s73 applications and associated decisions. Any change to a permission requires the reissue of the base permission, which necessitates a review of all the conditions irrespective of whether they are being varied, to ensure they are still relevant and up to date. For example, it would be unreasonable to issue a s73 decision with (earlier) pre commencement conditions if these matters have been addressed. The authority regularly spends time working through major decisions that can reasonably have 50 plus conditions.

Section 73 applications can be used to seek permission for a wide range of changes including the type and volume of waste streams, changes in processing and operations and changes in operating hours. Typically, they bring previously non considered aspects of a development closer to environmental constraints and communities which need detailed consideration to test the planning merits. Often, the base permissions will have been EIA development, which will need to be considered as part of any s73 determination.

Material changes to a mineral and waste management development, can require significant consultations, publicity, and engagement, including seeking advice from technical consultees at cost to the authority where that expertise is not available in house (such as noise, air quality, geotechnical, landscape advice). Similarly, there are legal costs associated with s106 agreements. These applications can require resources similar to those required to consider a fresh application for a new development, when addressing local community objections, negotiation on matters raised, Member involvement, the preparation of a detailed committee report and the drafting of decision notices. Whilst there is scope for minor changes to be covered by a lower fee, at present the s73 process costs the planning authority a significant sum to deliver, which diverts resources available from other parts of the function. For example, the current fee just covers the administration costs of the application. It does not cover costs for consulting on the proposals, attending site, assessing, reporting, or preparing a decision. As you are aware, the current fee for a s73 application is £293.

The following typical examples illustrate the concerns raised:

Example 1: A simple s73 application to vary two conditions to amend the layout of a waste recovery facility. The planning fee was £234. Following registration and validation, officers consulted 12 consultees and due to the submission of revised information, undertook a second round of consultation with these 12 parties. We received 11 responses to consultation. On this occasion, no comments were received from the local community. All mineral and waste development is major development for the purposes of a statutory press advert, which costs in this instance £20. Due to the nature of the proposed changes, additional technical advice accompanied the application and the County Council incurred £3367 fees seeking advice from its technical advisors on this element of the application. The site was less than 10 miles from the council offices (not typically the case), so mileage cost associated with the site visit was £6. The application was determined under delegated powers, so no committee costs other than an entry to a delegated list at a future committee for governance purposes. Assuming an average hourly rate of £65 (which takes account of

the time of a range of officers involved in the process including administration, case officer, supervision and sign off), and a conservative estimate of 25 hours of officer resource of £1625, then the processing of this application cost £5018 some £4784 more than the planning application fee.

Example 2: A s73 application to amend a condition to regularise minor changes to the layout of a waste digester facility and to seek permission for the installation of a biogas storage. The planning fee was £234. Following registration and validation, officers consulted 10 consultees and due to the submission of revised information, undertook a second round of consultation with these parties. We received 8 responses to consultation. The advert cost was £18 and mileage costs to visit the site were £18. Due to the nature of the proposed changes, the County Council incurred £1269 fees seeking advice from its technical advisors on this element of the application. The application was determined under delegated powers, so no committee costs other than an entry to a delegated list at a future committee for governance purposes. Assuming an average hourly rate of £65 (which takes account of the time of a range of officers involved in the process including administration, case officer, supervision and sign off), and a conservative estimate of 25 hours of officer resource of £1625, then the processing of this application cost £2930, some £2696 more than the planning application fee.

Whilst the principle of mineral or waste use has been established at a site, s73 applications can be as contentious as the original planning applications. They can attract considerable objection and where the base permission had a legal agreement, this will usually need to be revised as part of any new s73 consent. Significant officer time is required to process these applications. In these cases, the processing costs illustrated above are substantially increased as the planning authority seeks to work positively and proactively with an applicant and to those raising concerns to try and achieve an acceptable development. Unresolved material objections result in a committee decision, an extensive committee report and the costs of governance processes.

In practice, the current s73 planning fee covers the administrative costs associated with a typical application but does not address the costs incurred by planning officers associated with assessing the merits of a proposal and the committee and decision-making process. In addition, it does not recognise that local planning authorities do not have in house technical resources for specialist areas of expertise required by proposals and that these have to be externally sourced and funded for each application. It is therefore recommended that a new fee is set for mineral and waste management development that more realistically reflects the costs incurred. This could either be on a sliding scale or as a proportion of the original planning application fee, say 50%. It is worth noting that the fee for a non-material amendment which is not treated as a full application and requires none (or a fraction) of the advertising, consultation, and processing costs, is set at the same level.'

Small to medium sized commercial / industrial applications (including minerals and particularly waste development) - the fee for a new waste management facility is generally charged on site area or floorspace. The site area is often relatively small and are steered through policy toward existing industrial locations and development. For example, the fee to redevelop 0.5ha as a waste operation is £1,575, depending on the nature of the use. The Authority is very likely to need to secure specialist advice on noise, air quality / odour costing £800/900 for each specialism for a straightforward proposal. Once site visit(s),

administration, processing, etc. is added the fee received is significantly below the cost of processing the application. It is common for technical matters to be raised as part of community concerns, or by the council's technical advisor which results in revisions or clarifications and a subsequent round of consultation with the council's technical advisors, increasing the costs above the initial £800 per specialism.

Discharge of conditions for non-householder applications - the fee from this type of submission is set at £145 per submission (as submission can include multiple conditions). For a major case this does not reflect the work involved in assessing submissions, which can include involved and technical matters, like noise assessments and mitigation, BNG, landscape and ecological enhancement and drainage. All of which require time and expertise to assess. The fee for the discharge of a straightforward condition should be on par with that set for an NMA application. For more complex matters, including BNG (which could include the need for a legal agreement), this could reasonably be set at a higher rate which reflects officer processing time and costs incurred.

Lawful development certificate for a proposed use or operation - On a related matter, the fee for a lawful development certificate for a proposed use or operation to check the permitted development rights for mineral and waste development, currently set at half the normal planning fee, appears expensive. The cost of this application often puts applicants off seeking confirmation that a proposed development is lawful, particularly as a certificate is not an essential requirement for the development to proceed under the Permitted Development Order. This inadvertently reduces the opportunity for authorities to check on proposed development before it is progressed.

Overall, resourcing is significant issue facing county and district authorities' engagement in the planning process. Financial resources must be available for all areas of local authorities engaged in the planning process not just from applicants, Government funding must also be made available.

Fees for applications where there is currently no charge

Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.

The County Council would suggest it would be reasonable to consider the need for a fee for monitoring and enforcement of planning permissions to ensure that they are built and maintained in accordance with the permissions. Local authorities do not have the resources to monitor and enforce the planning system in its current form. This is particularly relevant for commercial development that involves on going operational controls, like waste operations. In instances where a developer materially departs from the approved development, a planning authority should be able to secure the costs of monitoring and securing compliance.

At present, there is no exception / requirement that built development is signed off as compliant with the relevant planning permission. To assist in monitoring, consideration could be given to a chargeable sign-off process not dissimilar to the approach adopted by building regulations.

Whilst not an application type, considerable local authority resources are also spent on undertaking screening and scoping requests pursuant to the Environment Impact Assessment Regulations. There is no fee attached to this work which is statutory. It often involves consultation and advice from technical advisors (at the local authority's cost) and is time consuming, particularly considering the risk of legal challenge and the scrutiny these opinions attract. It is common for this process to be used as a free pre-application advice service, thereby avoiding the Council's chargeable service.

Similarly, a fee could be considered for those applications that require an Appropriate Assessment pursuant to the Habitat Regulations as part of the decision-making process. This can sometimes be required for small scale mineral and waste applications.

The County Council would note there needs to be a balance between seeking a fee whilst still incentivising the submission of applications. Fees cannot be set at a level where it discourages applications, especially where protected buildings and trees are involved. It is much more resource intensive to carry out enforcement against inappropriate works and hence damaged by inappropriate development. Heritage significance and value is irretrievably lost to the detriment of the whole of society.

The County Council would therefore wish to see appropriate charges being attributed to all types of applications where a specialist skilled resource from the local authority is required should be liable to an application fee.

The County Council would note that there also needs to be more formal guidance around Planning Performance Agreements, better encouraging their use in two-tier areas for county councils and what can be chargeable under the agreement.

Localisation of planning application fees

Model 1 – Full Localisation

Model 2 – Local Variation (from default national fee)

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?

Please give your reasons in the text box below.

The County Council advises that this proposal is likely to be counterproductive and could create bias in the planning system. Variation in the fees received could influence the location of a development, it could also create a two-tier system in terms of resourcing. To create consistency and confidence in the planning system, the fees should continue to be set nationally at a fair level that reflects the costs involved. There is no justification for fees to vary across the country, the costs are broadly the same and, with adequate engagement with local authorities, can be set at a reasonable level dependent on government policy on cost recovery and its expectations on resourcing to help deliver, monitor and manage sustainable development targets. Fees must be set fairly, to ensure there is no local disparities – leading to risks and uncertainties in the planning process. Furthermore, any fees received must be ringfenced to ensure they support the proper sourcing of planning departments in local authorities.

Question 95: What would be your preferred model for localisation of planning fees?

Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.

Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.

Neither

Don't Know

Please give your reasons in the text box below.

As stated above a variation in the fees received could influence the location of a development, and could also create a two-tier system in terms of resourcing or a drop in fees to encourage development in a certain area.

It is considered that maintaining a nationally set default fee would be the most appropriate option, allowing for an optional flexibility.

Increasing fees to fund wider planning services

Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?

If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?

Fees of applications larger than householder size should be increased to fund wider planning services but should still be at a level of cost recovery. The County Council recommends consideration of whether it may be appropriate to use a portion of planning application fees to fund the specialist advice required at the site allocation stage of plan-making. With increased emphasis being placed on plan-making, the resources of local authorities need to be increased to provide this on a timely basis. The County Council considers that for some specialist areas, it is more appropriate that this is provided using the expertise of locally based services rather than consultants as locally based services have local expertise and understanding of the areas being considered.

The County Council recommends that fees should increase, however, full cost recovery or beyond could create a deterrent to development that should be weighed as part of any decision. Arguably, major development should contribute to the funding of the wider planning system since it is this type of development that benefits most from forward planning. As mentioned in the response, the County Council recognises the severe financial pressure all authorities are under and an increase in fees could help reduce this pressure.

Negotiation and revisions to the design of a development forms part of the planning process and scope for this should be allowed within the time allowed to process an application. However, significant changes and multiple submissions of further information through the processing of an application brings an additional cost burden to both the planning authority and consultees as any material changes need to be reconsulted on. Effectively, poorly made applications that have not gone through an appropriate pre-application design process often

cost more to determine. Consideration could be given as to whether this might be reflected in the fee.

Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees

The County Council considers that a mechanism to finance monitoring and enforcement of the planning system would be welcomed since in practice, this is under resourced and lacks the support or the tools to carry out the role swiftly and effectively, potentially undermining the planning process. Enforcement resources in Kent, working with Kent Districts and the Environment Agency are having to be focused on activities involving alleged large quantities of material being deposited on site and associated activities. This is diverting resources away from other planning enforcement matters.

Consideration should also be given to the cost to authorities and statutory consultees in commenting on applications – a considerable range of services at the County Council review and comment on applications to advise the Kent District and Borough Councils. Under resourcing of statutory consultees like county council services, the Environment Agency and Natural England causes delays, complications in decision making, and difficulties monitoring and enforcing development in breach of planning controls or unauthorised development continuing without regard to the planning process.

Transitional arrangements for emerging plans in preparation must also be resourced and funded accordingly.

Cost recovery for local authorities related to NSIP

Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

The County Council fully supports cost recovery for services provided by local authorities in relation to applications for development consent under the Planning Act 2008. This introduction is long awaited and is something that the County Council would be keen to see implemented as soon as practicable. The reference to local authorities must include district, county and unitary authorities.

Appropriate guidance around cost recovery must be made available to set a clear framework to ensure there is no ambiguity on what cost recovery can take place. This will be essential to avoid resources being overwhelmed with queries on this point, rather than being focused on the proposals being put forward. Guidance must set out the workstreams that the local authority is able to cover costs under. The guidance should include how work schedules and breakdowns should ideally be managed, when cost recovery can commence / finish (which should be from initial engagement on the project through post consent and delivery stages) and details which an applicant must provide to local authorities to facilitate proper engagement (such as project timelines to allow for resource planning). Engagement with the Planning Advisory Service NSIP Local Authority Network would be encouraged as part of the development of this guidance.

The County Council would welcome influence from the Planning Inspectorate to ensure that authorities are treated fairly and equally by applicants and hopes that the procedural advice to be prepared will provide this accordingly and ensure proper cost recovery through the process.

Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.

Development Consent Order (DCO) applications place a significant resource burden on local authorities. Alongside this, it may be necessary for local authorities to commission specialist consultants to assist them with reviewing the application documents (which for projects such as the Lower Thames Crossing DCO was significant) and responding to the DCO process.

The County Council welcomes this positive movement to ensure that those involved in NSIPs can recover the costs expended through the process. This movement will hopefully allow for increased expertise and resources being allocated to projects, which should further benefit the outcomes of the projects and communities in which the projects are located. The reference to local authorities must include district, county, and unitary authorities.

The short timescales involved add extra pressure to already limited resources. By introducing the ability for local authorities to recover costs from the Applicant, this would be hugely beneficial, especially when local authorities' budgets are already significantly stretched. Planning Performance Agreements vary by DCO application, if they are offered by the Applicant at all, therefore guidance from the Government which brings consistency in what costs can or cannot be recovered by local authorities would be welcomed. Planning Performance Agreements as a mechanism for DCO cost recovery from Government owned companies are often the most limited, compared with privately owned companies, with many costs deemed to be part of local authorities' statutory duties not reimbursable. Definition of what constitutes a statutory duty for local authorities when it comes to responding to a DCO would be helpful as set out in the previous question. There must be clear guidance on this point, ambiguity will result in unnecessary and lengthy delays and resources when agreeing Planning Performance Agreements rather developing the project proposal. This is further considered within question 98 and reference is made to the clarity that guidance or policy must offer both applicants and local authorities.

In the case of the Lower Thames Crossing DCO, costs incurred in terms of responding to consultations by the applicant, National Highways (in which there were many in addition to the statutory consultation) were not recoverable through the Planning Performance Agreement and neither were any legal fees incurred during the Examination, which came at significant cost to local authorities' budgets. All costs incurred by local authorities in terms of responding to the DCO application should be reimbursed by the Applicant, as this is part of the cost of delivering nationally significant infrastructure and should not have to be met by local council budgets.

The County Council advocates the need for full cost recovery, and proper policy and guidance to support this covering the full range of services of all local authorities which can be impacted by an NSIP (not just those the applicant consider the most important). This must include significant services where statutory duties are held, discretionary services, as well as services of strategic planning teams which often offer coordination roles for local authorities to manage engagement through the process. All elements of engagement in the NSIP process – both statutory and non-statutory – must be covered by cost recovery mechanisms.

The County Council would note that any cost recovery must still encourage applicants to manage pre-application effectively and ensure sufficient evidence gathering and consultation on that evidence takes place at this stage.

Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?

The County Council considers that there should be no limitations as all reasonably and properly incurred costs in providing information that the Applicant requires and in responding to the Development Consent Order (DCO) process should be recoverable. There must be no hinderance to local authorities for example, where they may be opposed to the development of a DCO. It must still be possible for full cost recovery. The applicant must not have opportunity to be able to restrict cost recovery.

The regulations should also ensure that each local authority is treated the same to allow consistency across the board. For example, for the Lower Thames Crossing DCO, National Highways agreed to an enhanced Planning Performance Agreement with Thurrock Council because it had issued a Section 114 notice, but the other host authorities, including the County Council, who were also struggling financially, were not given an enhanced Planning Performance Agreement and so recovery of costs was not equitable across all the local authorities.

One area of challenge is local authority representation from a Barrister. The County Council considers that this appointment should be covered under reasonable cost recovery, particularly at the examination stages of the application. During the examination, the applicant will usually be represented by a barrister, it is not considered fair and equitable that local authorities must cover the costs of appointing their own barrister, or face being on an uneven footing at the examination.

The County Council would draw attention to commentary raised in questions 98-99 so as not to repeat commentary here also.

Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.

The County Council considers that it would be a much more productive working partnership and a more efficient pathway through the DCO process, if local authorities had confidence that all their costs were to be fully reimbursed from the start.

The level of engagement and information required from local authorities for NSIPs places a significant resource and financial burden on local councils. Experience with the Lower Thames Crossing, promoted by a Government owned company, National Highways, has demonstrated the disparity between level of resource of the applicant and the host authorities, which although could never be matched, though full cost recovery could go some way towards meeting the expectations of NSIP applicants.

There are examples of good practice with the Lower Thames Crossing application, especially with funding from the Applicant through the Planning Performance Agreement for the local highway authority to assess the impacts the new Crossing on the wider road network and begin the process of developing mitigation schemes to bid for potential future funding streams when they come forward. Arguably, the applicant should have been doing this work themselves as part of its Transport Assessment and then proposed the mitigation for those impacts in the draft Requirements of the DCO or by other mechanisms, e.g. Section 106, but the work was instead sought from the County Council, as the Local Highway Authority, to strengthen their arguments for wider mitigation throughout the examination. Nevertheless, work that the Local Highway Authority needed to do in response to the NSIP was funded by the applicant.

However, as stated in response to Question 99, other work streams, such as anything deemed to be a statutory duty of a local authority in responding to planning applications, and all legal costs associated with the Examination, were not eligible for cost recovery from National Highways as a Government owned company, thus some costs for nationally significant infrastructure are met by local authorities' budgets.

The County Council would again urge Government engagement with the Planning Advisory Service Local Authority Network for evidence gathering purposes on this point.

Question 102: Do you have any other suggestions relating to the proposals in this chapter?

The County Council would remind the Government of the significant resource implications of engaging in an NSIP, and with more projects entering into the regime as proposed throughout this consultation, the process must be fair and work for all parties involved. As this response points out, there is a clear need for reform in this area of planning to ensure that it is an efficient process. The County Council would again urge Government engagement with the Planning Advisory Service NSIP Local Authority Network for further discussions, which the County Council is a part of. Local authorities have a key role in both providing technical considerations of these projects, but also representing their local communities. Their role in the process must not be underestimated and proper resourcing and funding must be provided accordingly.

Chapter 12 – The future of planning policy and plan making

Transitional arrangements for emerging plans in preparation

Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?

From the County Council's plan making perspective and the stage that the County Council is at with its Mineral and Waste Local Plan, there is no objection to the proposed transitional arrangements.

The County Council notes that the changes proposed within this consultation will require resources to implement – these resources must be available, with the appropriate skills to ensure that resources are not diverted away from other important workstreams.

Further plan-making reforms

Summary

Question 104: Do you agree with the proposed transitional arrangements?

The County Council would stress the need for proper guidance to be introduced to ensure clarity and limit risks around delays to plan-making.

The County Council welcomes the intention to extend the current plan arrangements for Local Plans to be submitted no later than December 2026 as the previous deadline set would have been too short and would have taken up a considerable amount of the County Council's resources due to a number of Local Planning Authorities looking to submit consultations at the same time. The County Council also notes that further details of the Government's intentions around plan-making reform will be published in due course. As part of that process, it would welcome clarification to matters previously raised in an earlier consultation response in respect of uncertainties regarding the future of Mineral and Waste Sites Plans which are relied upon by several county authorities as part of the Development Plan. The County Council would welcome engagement with the Government on this matter.

Future changes to the NPPF

Question 105: Do you have any other suggestions relating to the proposals in this chapter?

The County Council would welcome any national changes on improved information sharing between local authorities and particularly government organisations to assist decision making. Whilst access to GIS datasets is improving (including via .GOV), it is still not straightforward to gather the planning and constraint data necessary to support decision making and forward planning. The County Council notes that datasets are not always available or kept up to date.

Chapter 13 – Public Sector Equality Duty

Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If

so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

The County Council notes that it is essential that all proposals are fully considered against the Equality Act 2010 to ensure the planning system delivers truly sustainable growth and sustainable communities.

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Growth and Communities

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 Ask for: Stephanie Holt-Castle
 Email: Stephanie.Holt-Castle@kent.gov.uk

BY EMAIL ONLY

23 October 2024

Dear Sir / Madam,

Re: Public Consultation on New Evidence Base Documents – Tunbridge Wells Borough Council Local Plan

Thank you for consulting Kent County Council (hereafter referred to as the County Council) on the public consultation on new Evidence Base Documents to support the preparation of the Tunbridge Wells Borough Council Local Plan.

The County Council has reviewed the consultation documents and has provided commentary below.

PS 093 Tunbridge Wells Gypsy, Traveller, and Travelling Show People Accommodation Needs Assessment (GTAA) 2024-2039, Final Report June 2024 (version 2)

Development Investment

The County Council would request clarity as to whether there will be an expectation on permanent, allocated Gypsy and Traveller sites to be subject to S106 planning obligations for development to ensure necessary county infrastructure such as education, adult social care, libraries, integrated children's services, waste, community learning and skills is supported accordingly.

PS 095 Policy STR/SS1 – the Strategy for Paddock Wood including Land at East Capel

Highways and Transportation

It is recommended that reference to the Monitor and Manage strategy should be included in the policy wording to emphasise its role in informing if, and when, the delivery of the infrastructure is needed.

Reference is made to financial contributions for the delivery of highway related infrastructure. It should be noted where schemes have been identified as being required to mitigate the impact of a development site, unless otherwise agreed by the County Council, as Local Highway Authority, they will be progressed solely via the County Council's Developer Agreements process of technical approval and oversight. The County Council will not accept financial contributions to schemes agreed unilaterally between a developer and a local planning authority.

Paragraph 15 of Policy STR/SS1 states: 'The infrastructure to be funded shall include but not be limited to' then follows a list of infrastructure. The County Council suggests that reference is made, within this paragraph, to the need for the list of infrastructure to be agreed with the relevant authority. This section should also include the requirement for new and improved bus services, improvements to Summerhill Roundabout, the Hop Farm roundabout and the A264 Pembury Road corridor improvements.

The requirement for improvements to the Badsell Roundabout (A228/B2017), the Local Cycling and Walking Improvement Plan (LCWIP) relating to Paddock Wood and surrounding area, the Paddock Wood Town bus service and new inter-urban bus service between Paddock Wood and Royal Tunbridge Wells, should all be included in the infrastructure listed.

Reference to the proposed shuttle working by means of new traffic signals at the railway bridge on the B2016 Maidstone Road should be removed as this is not supported by the County Council, as Local Highway Authority.

The Monitor and Manage strategy should include (but not be limited to) the following junctions:

- Junction 13 A228/2016 Maidstone Road
- Junction 14 A228/Alders Road/Crittenden Road
- Junction 13 A228/Maidstone Road
- Junction 72 A267/B2169 Birling Road
- Junction 88 B2017/Hartlake Road
- Junction 107 Matfield Crossroads

The Monitor and Manage strategy will underpin the Infrastructure Delivery Plan and ensure transport infrastructure delivery is appropriate in terms of form, scale and timing. The list of schemes needs to be flexible as changes to travel habits, the success of sustainable travel interventions and future detailed transport evidence may lead to changing

requirements/focus for mitigation and result in sites being removed and others being included.

Public Rights of Way (PRoW)

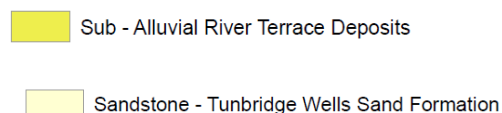
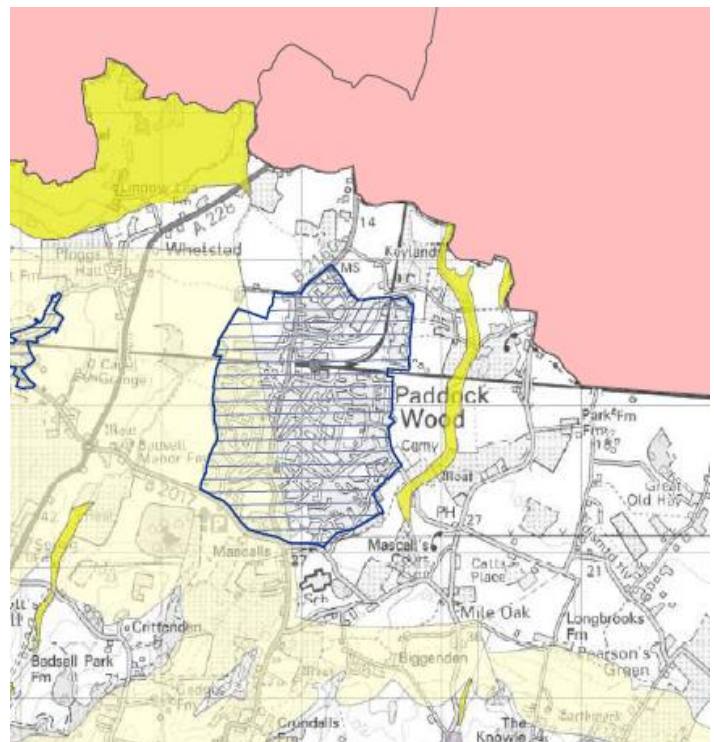
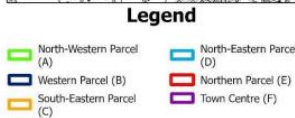
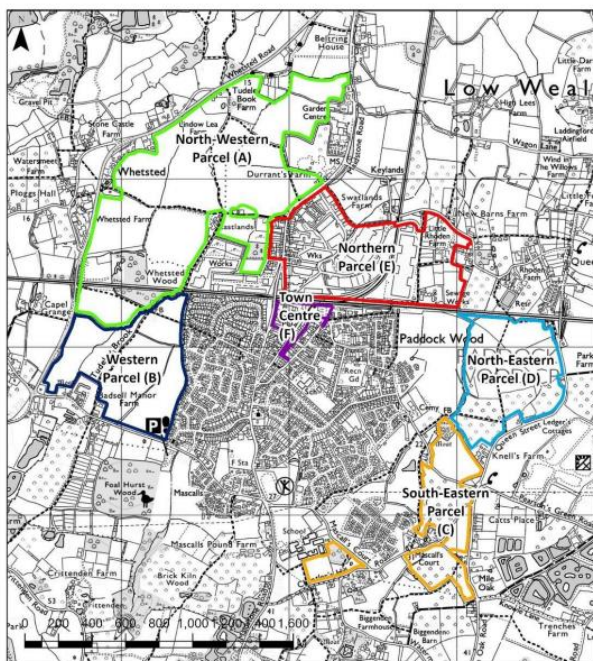
The County Council, as the Local Highway Authority, would request that whenever “walking and cycling links” are mentioned, that specific mention of the PRoW Network is also made. There is specific reference included regarding connecting to the wider network of “Footpaths and Bridleways”; this would be more accurate/correct if termed the Public Rights of Way Network.

Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, notes previous commentary raised in respect of safeguarded land won mineral issues in Capel and Paddock Wood. It is assumed that the land parcels A, D and C of Policy STR/SS 1 constitute areas for development allocation (that are coincident with the two safeguarded land won minerals, see extracts below) are a reduction in overall size since the submission of the Local Plan.

Policy STR/SS 1

The Strategy for Paddock Wood including Land at east Capel



The County Council, as Mineral Planning Authority, has previously commented on the mineral safeguarding matters that affect the safeguarded mineral interests in the Paddock Wood and Capel area and draws attention to the previous comments. In particular, Policy

SRT/SS 1 affects safeguarded minerals. The TWBC Local Plan should therefore refer to these safeguarded minerals and ensure that it references how an exemption from the presumption to safeguard these deposits in accordance with Policy DM 7 of the Kent Minerals and Waste Local Plan 2013-30 (Early Partial Review 2020) is justified. From the information currently available, the County Council considers that a viable case for the prior extraction of the minerals is likely to be low.

Heritage Conservation

The County Council notes that the Strategy for Paddock Wood including Land at East Capel provides a framework for provision of an extended settlement over the plan period providing approximately 2450 dwellings and associated infra structure with development parcels. The County Council considers that there is insufficient mention of the historic environment within this document.

Point 3 on page 4 sets out proposed strategic development principles. The County Council welcomes the statement (c) which relates to a landscape led and a high standard of design. The County Council would ask that this should include the retention and enhancement of hedges and trees along the A228 with development set back from the road to reduce visual impact on the countryside, with use of internal hedging and tree belts along field boundaries to influence development layout. This should be expanded to incorporate the use of landscaping to protect the setting of heritage assets, in particular isolated farmsteads and rural structures.

Furthermore, the County Council welcomes Point 3 clause (d) which relates to local character and overall setting but asks that this is expanded to ensure that development embraces the special and particular character of the area, the local buildings, topography and landscape features, to ensure that any development increases the place value and identity of the Paddock Wood settlement and heritage of the community, rather than a generic layout.

The County Council would ask that additionally within Point 3, or as part of statement d) that the proposed development should respond appropriately to the Kent Historic Environment (HER) data, with aims to conserve and enhance the historic environment where possible; and to utilise heritage to deliver new development which is sympathetic to and reflects local historic character.

In respect of Point 5, the County Council would welcome the statement that planning applications should be informed by heritage studies but would like to add that these heritage studies should include Kent HER data, archaeological landscape assessments and built heritage assessments. Planning applications must be supported by evidence-based assessments to establish the nature and significance of heritage assets within the affected area, including detailed historic characterisation work and visual impact assessments, considering the potential impact upon the setting of important heritage assets.

In respect of Point 8 regarding Master-planning, the County Council welcomes the proposal that each masterplan shall (b) refer to heritage assets and their settings but would like to add that the masterplan for each parcel (or combination of parcels) should include an

archaeological landscape assessment. This is to ensure that there is still consideration of landscape features which may not necessarily be highlighted in the Landscape Visual Impact Assessment (LVIA) but which are of archaeological importance, for example, biodiversity-poor hedgerows or partially filled ditches which are part of an ancient field system or routeways. It is recommended that in addition the masterplan should demonstrate how it will deliver the conservation and enhancement of the historic environment.

The County Council welcomes Point 8(j), which ensures where Green Belt is to be developed, that the development provides compensatory improvements to the Green Belt. However, it is asked that this requirement be enhanced to require details of specific proposals and to demonstrate the cumulative impact of any loss or enhancement of the Green Belt, with specific reference to the historic environment and settlement separation and identity.

Specific comments on Land Parcels:

Policy STR/SS 1(A) - North-Western Parcel Requirements – (vi) The County Council would ask that for the creation of a Wetland Park, the requirements need to include an archaeological assessment including geo-archaeological assessment, and in addition to the ecological enhancement measures there should be consideration of geo-archaeological and early prehistoric interpretation to raise understanding, awareness and enjoyment of the archaeological importance of the river environment.

Policy STR/SS 1(B) – South-Western Parcel Requirements – It is asked that this includes special consideration of measures to respect, protect and enhance the heritage asset of Badsell Moated Manor and mill complex, including its setting and associated archaeological landscape.

Policy STR/SS 1(C) – South-Eastern Parcel Requirements – The County Council would ask that this includes special measures to protect and enhance the awareness, understanding and enjoyment of the stream which is a key part of the significance of several Post Medieval or earlier complexes including Mascal’s Court and Moat Plats.

Policy STR/SS 1(D) – North-Eastern Parcel Requirements – Point (iii) regarding the Hop Pickers Trail, is welcomed but it is asked whether this can be emphasised that this “trail” needs to reflect the Hop Pickers railway line as an industrial/horticultural heritage asset, as well as a natural environment asset.

PS 097a Statement of Common Ground between Tunbridge Wells Borough Council and Kent County Council Education (August 2024)

Development and Investment

Within paragraph 1.4 (page 3), the terminology “PAN” needs to be clarified to ensure understanding.

PS 098 Action Note on Action Point 28 - Local Plan Sequential Test regarding Strategic Allocation Policy STR SS1 Land at Paddock Wood including land at east Capel (September 2024)

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority, has reviewed the Local Plan Examination Note for Inspector in response to Action Point 28 regarding the STR/SS1 Land at Paddock Wood and east Capel Sequential Test and raises the following comments.

The County Council is pleased to note that "*The Council considers that the above approach to housing delivery at Paddock Wood and land at east Capel results in the passing of the Sequential Test. Now that all of the land available for housing is within Flood Zone 1, it is not necessary for the exception test to be applied.*" as stated in paragraph 3.31. However, given that it is the County Council's understanding that the sequential/exception test is required to consider all risks of flooding, the County Council would expect for a similar statement to have been provided with regard to surface water flood risk which does not constitute Flood Zones 2 or 3.

Given that by its nature surface water may not cover the entirety of any proposed development sites. Therefore, the County Council would request a reference of the application for the requirement of the sequential approach to development layout should any proposed sites have surface water flow paths present (as per some of the proposed residential areas within Capel) to have been made.

PS 099 Introductory Note to Highways Modelling Reports

Highways and Transportation

The County Council acknowledges the purpose of this note is to set out a list of highways related reports produced to support the new Local Plan. Comments relating to those documents included below.

PS 100 Modal Shift Analysis (Vs2) 9th April 2024

Highways and Transportation

The report summarises the Modal Shift evidence previously provided.

The vision for high modal shift, as required by national policy, and the infrastructure and measures proposed to achieve this are supported by the County Council, as Local Highway Authority. The Bus Strategy identifies new and improved services supported by associated infrastructure within Paddock Wood including a new loop service, and an enhanced inter-urban service between Paddock Wood, Pembury and Royal Tunbridge Wells. The existing rail service provides an important link between the growth area of Paddock Wood to

Tonbridge and further onward destinations. Delivery of the LCWIP is proposed to provide enhancements to walking and cycling infrastructure across the borough.

It is accepted that these provide enhanced journey options for the key development sites in the Local Plan and that the approach is in line with DfT Circular 01/2022 and the National Planning Policy Framework (NPPF). Additional confidence in the success of the sustainable transport interventions is provided through the development of a Monitor and Manage strategy and the requirement for travel plans.

It should be noted that in accordance with DfT Circular 01/2022, TWBC developed three demand scenarios; low, medium and high modal shift as set out in Section 7 of PS_100 Modal Shift Analysis. The new Local Plan strategy has been modelled for both the low modal shift scenario and for a high modal shift scenario and major hotspots for each scenario are reported in PS_049 Stage 3 Modal Shift Impact Reporting TW Local Plan Stage 3 areas of interest. In the high modal shift scenario only one hotspot is removed from the list of 'major hotspots' when compared to the low modal shift scenario. This is the junction of A228/A264/A21 and this junction is included within the A264 Pembury Road Corridor – Junction Capacity Assessment with mitigation proposed.

PS 101 A264 Pembury Road Corridor – Junction Capacity Assessment 28th June 2024

Highways and Transportation

The County Council, as Local Highway Authority, was engaged by TWBC in the development of the alternative mitigation strategy and reviewed this Technical Note prior to the 2024 Hearing Sessions and found it acceptable subject to the following: the schemes presented in the Technical Note are high level designs appropriate for the Local Plan examination stage and subject to the County Council's Technical Approval Process (TAP), safety audit, costings and checks for statutory undertakers' equipment. Please also see comments relating to PS_104 Strategic Transport Assessment Addendum below.

PS 102 Junction Hotspot Comparison 17th June 2024

Highways and Transportation

The Junction Hotspot Comparison is useful to compare the hotspots identified in the transport evidence supporting the Submitted Local Plan with the hotspots identified in the transport evidence supporting the Revised Local Plan. Mitigating measures are included in the Infrastructure Delivery Plan (IDP) for the key major hotspots and the County Council has recommended in comments relating to the revised wording for PS_095 Policy STR/SS1 and relating to the IDP (PS_105) that those junctions/links identified as hotspots but not included for mitigation in the IDP are included in the Monitor and Manage strategy. It should be noted that the Monitor and Manage strategy is not limited to those junctions/links, additional junctions/links may be included at a later date as transport evidence is refined to incorporate changes that occur on the highway network.

Highways and Transportation

The County Council, as Local Highway Authority, was previously consulted on the Strategic Transport Assessment (STA) prior to the 2024 Hearing sessions. Comments were provided to TWBC dated 23 May 2024. Following these comments additional work was prepared by TWBC and some of the matters raised by the County Council have been addressed.

Whilst highway mitigations are proposed or being developed for the majority of junctions identified as 'major hotspots', there are a number of junctions identified as hotspots where mitigation is not proposed at this stage. The County Council has recommended that these junctions be included in the Monitor and Manage Strategy, however, reference is not included in the Infrastructure Delivery Plan, the Viability Assessment or Policy STR/SS1.

These junctions are listed below:

Junction 14: A228 / Alders Road / Crittenden Road

This junction will be reconfigured as part of the Colts Hill Bypass scheme, and this will effectively mitigate the junction. The junction has not been identified as a collision hotspot in the recent study prepared by Sweco and included at Section 5.13 of the April 2024 STA, however, there will be an increase in traffic movements along the A228 prior to the delivery of the bypass and so it is recommended that the junction is included in the Monitor and Manage Strategy with a view to monitoring the crash record in the time leading up to the delivery of the Colts Hill bypass.

Junction 13 A228/ Maidstone Road

The junction was identified in the Strategic Transport Assessment as a 'major hotspot' and so additional modelling was undertaken in the A264 Corridor Assessment (PS_101). The capacity assessment concluded that the junction would work within capacity for all demand scenarios and so no mitigation is needed. However, as the junction has also been identified as a collision hotspot in the Strategic Transport Assessment Addendum and is expected to experience significant increases in traffic flows, the County Council recommends it is included in the Monitor and Manage Strategy in terms of safety.

Junction 107 Matfield Crossroads

The County Council will work with TWBC to identify traffic management measures and signage measures which can help to discourage the potential for rat running on rural roads. This junction should also be included in the Monitor and Manage Strategy.

Junction 72 A267/B2169 Birling Road and Junction 88: B2017/ Hartlake Road

The junctions are included in the Infrastructure Delivery Plan and the Viability Assessment but not referred to in the revised policy working for STR/SS1. Further detail is required of the capacity results for review and the proposed mitigation. It is recommended that mitigation for

these junctions is included in the Local Plan Strategy and brought forward if identified as necessary in the Monitor and Manage Strategy which is currently being developed. The Monitor and Manage Strategy should also review the crash record at these junctions.

B2017 Five Oak Green

The County Council raised concerns that link capacity along the B2017 is shown to be at full capacity in the Local Plan Modal Shift (LPMS) scenario with a volume/capacity (v/c) value of 100 in the AM peak compared to a v/c value of 68 in the RC. Clearly the local plan development strategy has a significant impact even with the high modal shift. The B2017 is included in the latest version of the Infrastructure Delivery Plan and the Viability Assessment and should also be included in Policy STR/SS1 and the Monitor and Manage Strategy to review capacity and safety as traffic flows increase along the route.

The STA includes a review of personal injury crashes over a 3-year period for sites where the Local Plan Strategy leads to an increase of 50 or more vehicles in the morning and evening peak periods. It is recommended that the findings of this study should be explored further with the County Council Highway Improvements team.

PS 101 A264 Pembury Road Corridor – Junction Capacity Assessment and PS 104 Strategic Transport Assessment Addendum June 2024

Highways and Transportation

The Strategic Transport Assessment Addendum (STAA) follows the Strategic Transport Assessment (STA) and A264 Pembury Road Corridor – Junction Capacity Assessment.

The STAA reports on the modelling of the LPHM2 scenario (Local Plan Highway Mitigation Option 2). The STA identifies 2 options for the mitigation of the Local Plan impact at the junction of the A21/B2016 Kippings Cross. Option 2 included highway mitigations for the following:

Sustainable Transport Interventions comprising of:

- Paddock Wood bus service, Inter-urban bus service upgrade and LCWIP measures
- Colts Hill Bypass
- Badsell Roundabout Improvements
- Summerhill Roundabout Improvements
- Hop Farm Roundabout Improvements
- Pembury Road Capacity Improvements comprising:
 - A228 Pembury Road / Tonbridge Road (Woodgate Corner)
 - A228 Pembury Road A21 flyover Southwest Dumbbell
 - A264 Pembury Road / Hall's Hole Road
 - A264 Pembury Road / Sandhurst Road

The A264 Pembury Road Corridor Assessment identifies junction capacity improvements to increase capacity along the A264 corridor and the STAA models the impact of the re-routing

of traffic to an upgraded A264 Pembury Road corridor, from the B2016 to/from Kippings Cross.

The County Council, as Local Highway Authority, is broadly in agreement with the conclusions of the STAA subject to the following:

Reference to the following junctions in Policy STR/SS1 for inclusion in the Monitor and Manage Strategy as already outlined in the comments relating to the STA above:

- Junction 13: A228 / Maidstone Road
- Junction 14: A228 / Alders Road / Crittenden Road
- Junction 72: A267 / B2169 Birling Road
- Junction 88: B2017 / Hartlake Road
- Junction 107: Matfield Crossroads
- B2017 Five Oak Green

PS 105 TWBC Infrastructure Delivery Plan dated August 2024

Highways and Transportation

TWBC has updated the IDP to reflect the infrastructure requirements to support the new Local Plan. The highway infrastructure requirements are evidenced in the documents listed in PS_099 Introductory Note to Highways Modelling Reports.

The County Council, as Local Highway Authority, has reviewed the August 2024 IDP and comments are provided using the same paragraph numbers as the IDP for ease of reference as follows:

Paragraph 1.3 - It is stated that the IDP should be read in conjunction with Paddock Wood Infrastructure Framework 2024. However, this document is not included in the current consultation documents and does not appear to be listed with the other Local Plan related documents on the TWBC website. Please provide a copy or a link to this document.

Paragraph 1.4 - It is stated that Appendix 2 includes the Paddock Wood Special Delivery Strategy, however, this is not the case as Appendix 2 of the IDP is the 'existing open space by parish (as identified within the Open Space Study 2018)'. It would be helpful if the Paddock Wood Special Delivery Strategy could be forwarded for review and included in the IDP.

Paragraph 2.12 - The overall Development Strategy is set out in the proposed amended Policy STR1 – 'The Development Strategy'. The County Council has no comments relating to this document.

Paragraph 2.14 – The paragraph sets out what is included within Section 4 of the Local Plan. The inclusion of the Vision and Validate and Monitor and Manage approach as defined by DfT Circular 01/2022 should be considered. Also to be included is the requirement for scheme delivery to be developer led by means of a S278 Agreement with a consortium of

developers responsible for delivery where multiple developments need the mitigation schemes. The County Council, as Local Highway Authority, will assist and oversee the delivery of schemes via the Section 278 Approval process but will not act as the delivery body of the schemes.

Paragraph 2.17 - Policy STR6 – Transport and Parking covers ‘Key transport infrastructure and the priorities for sustainable transport modes.’ This policy should be updated to reflect the mitigation requirements for the new Local Plan.

Paragraphs 3.3 – 3.10 The County Council is supportive of the Vision and Validate and Monitor and Manage approach to infrastructure delivery. This is a strategy identified in DfT Circular 01/2022 and the principles can be applied to the local road network. The policy approach is required to plan for effective future network operation and the evaluation of the proposed growth and identification of appropriate mitigation across all modes.

Paragraph 3.18 - It is stated that ‘there is a poor accident record on the A228 at Colts Hill’; this is no longer the case and evidence was reported to the recent Local Plan hearings to this effect. The STA includes a review of the crash record over the study area and the A228 at Colts Hill has not been identified as a crash hotspot.

It is also reported that the A268/A229 crossroads in Hawkhurst suffers severe congestion at peak times, however, the junction is planned to be improved. Additionally, the junction has not been identified as a ‘hotspot’ in the Sweco Transport Assessment or TA

Paragraph 3.21 - This covers the mitigation schemes identified to support the growth in the Revised Local Plan. Please add that ‘Schemes may be varied subject to agreement with the Local Highway Authority’.

The list of schemes should be updated to reflect those identified in the latest transport evidence relating to the new Local Plan. Currently the list of schemes includes the mitigation relevant to the submitted Local Plan.

Reference is made again to the ‘Paddock Wood Infrastructure Framework 2024’. The County Council requests this is forwarded for review.

Paragraph 3.47 - Rail infrastructure improvements have not been identified, however, Policy STR6 includes the following statement: ‘Working with Network Rail and the train operating company to provide station infrastructure improvements where necessary and working strategically to retain and improve the rail network by increasing the attractiveness of travelling by rail, including to multiple destinations.’

Enhancements to Paddock Wood Station to provide cycle storage, pedestrian improvements and bus facilities could be explored further as these would be helpful in delivering the high modal shift vision.

Paragraph 3.63 - The proposed bus improvements listed should be updated to reflect the latest evidence provided to support the Revised Local Plan and in particular the WSP bus studies.

Appendix 1: Infrastructure Delivery Schedule. - This should be updated to reflect the mitigation identified in the latest evidence provided to support the Revised Local Plan as the list currently includes mitigation relevant to the submitted Local Plan.

The locations listed below should be included in the Monitor and Manage strategy and the IDP.

- Junction 13 A228/2016 Maidstone Road
- Junction 14 A228/Alders Road/Crittenden Road
- Junction 13 A228/Maidstone Road
- Junction 72 A267/B2169 Birling Road
- Junction 88 B2017/Hartlake Road
- Junction 107 Matfield Crossroads

It should be noted that the Monitor and Manage strategy will underpin the Infrastructure Delivery Plan and ensure transport infrastructure delivery is appropriate in terms of form, scale and timing. There is a need therefore for the list of schemes to be flexible and responsive to changes to travel patterns. The success of sustainable travel interventions and future detailed transport evidence may lead to sites dropping out of the list and others being included in the list for mitigation.

The IDP includes £1,725,000 for a 'new bus route subsidy (five years)'. This amount does not tally with the total amount of subsidy needed as identified in the WSP bus studies prepared for TWBC to support the Revised Local Plan, namely PS_040 Public Transport Feasibility Study Review and PS_041 Paddock Wood Bus Service Options. The IDP should be updated to cover the costs of the intended service improvements.

The delivery body should be amended to reflect the latest position of the County Council in that:

- Unless schemes are small scale and with standard costs/ low risk of cost increase (this will be determined by the County Council) / or where a County Council 'in house' design and costing estimate has been used (funded externally), they will be progressed solely via the County Council's Developer Agreements process including technical approval of designs and oversight.
- The County Council will provide technical support to district councils where schemes are identified as part of the Local Plan process, ideally through a scheme board with the associated developers forming a delivery consortium.
- Where schemes have been identified through the Local Plan process and where third party land may be required, the County Council will assist the district council in the promotion of any Compulsory Purchase Orders (and potential Side Roads Orders) that are likely to be needed.
- Where schemes have been identified as being required to mitigate the impact of a number of development sites which are coming forward in a similar time frame in

advance of the local plan process, the County Council's position will be that the developers will deliver the scheme via a delivery consortium or a lead developer.

- Where schemes have been identified as being required to mitigate the impact of a development site, unless otherwise agreed by the County Council, as Local Highway Authority, they will be progressed solely via the County Council's Agreements process of technical approval and oversight. The County Council will not accept contributions to schemes agreed unilaterally between a developer and a local planning authority.

It is recommended that the IDP is updated to address the comments provided above and to reflect the latest evidence produced to support the new Local Plan, including interventions identified within the mitigation scenario LPMSH2, the sites for inclusion in the Monitor and Manage strategy and removal of superseded or obsolete schemes as a result of the change in development strategy. It would be useful to include a spreadsheet or table to clearly show when delivery of the mitigation is currently predicted to be needed in relation to the housing trajectory (PS_062 Updated Local Plan Housing Trajectory), employment trajectory, costs and delivery body. This can be used for the Monitor and Manage framework and adjusted to reflect future changes to the trajectory and information from the traffic monitoring exercise.

Development Investment

The County Council is concerned that there is no mention in this document under Theme 2 (Education page 46), or indeed anywhere in the document, regarding SEND (Special Education Needs and Disabilities), even if it is to say that there is already sufficient need for the plan period. This should be corrected.

In respect of 'Prioritisation of infrastructure' (page 13 of 185), the County Council questions whether the order of the Themes listed under 3.0 (page 19) is an order of priority and therefore related to this prioritisation narrative on page 13. If so, the County Council requests this is made clearer and better linked.

PS 106 Update to Viability Appraisal following completion of the Final IDP (August 2024)

Highways and Transportation

The Addendum Update to the Local Plan Viability Assessment Addendum reflects the updated infrastructure information which is summarised in Appendix I Table 1B. Comments relating to Appendix I Table 1B are provided below.

PS 106b Appendix I

Table 1 Development Cost Assumptions (August 2024)

Contingency build costs are listed with 3% re housing and 5% for other costs – 5% is not sufficient contingency for build costs of highway works. The County Council would expect 30% contingencies to be included.

Table 1A Infrastructure Timings (August 2024)

The Viability Assessment includes highway schemes with only 63% of the cost listed. The County Council requests clarity why only 63% of the costs is listed and how the remaining 37% is to be funded (extract below).

As with the IDP, the Viability Assessment includes £1,725,000 for a 'new bus route subsidy (five years)'. This amount does not tally with the total amount of subsidy needed as identified in the WSP bus studies prepared for TWBC to support the Revised Local Plan, namely PS_040 Public Transport Feasibility Study Review and PS_041 Paddock Wood Bus Service Options. The Viability Assessment should be updated to cover the costs of the intended service improvements.

Table 1A includes 'Shuttle signal Bridge Paddock Wood High Street'. The signalisation and shuttle working over the railway bridge on the B2160 Maidstone Road, Paddock Wood is not supported by the County Council.

Significant upgrades are included for Putlands Sports and Leisure Centre and this is an opportunity for land to be provided by Putlands to facilitate a cycleway along Mascalls Court Road.

PS 109 Revised wording for Policy STR1 – The Development Strategy

PRoW

The County Council, as Local Highway Authority, is supportive of the multiple references to modal shift/off road connectivity etc and would suggest that to the PRoW Network is also specifically referenced in this strategy. It is noted that the Development Strategy is very cycle-focused and that there is little in regard to pedestrian routes in terms of modal shift. It is asked that this be addressed.

Conclusion on Consultation

Highways and Transportation

The County Council is grateful for the extensive amount of work completed to assess the transport impacts of the new Local Plan and is broadly in agreement with the results and conclusion set out in the transport evidence. As outlined above there are some amendments

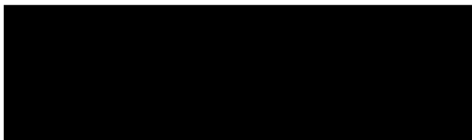
and additions required which will provide greater clarity and confidence in the delivery of the right infrastructure at the right time. This includes, but is not limited to, the inclusion of the Vision and Validate and Monitor and Manage approach in the relevant Policy, amendments to the Infrastructure Delivery Plan to reflect the revised infrastructure requirements including a table to clarify the infrastructure required, date for delivery, delivery body, costs and how these fits with the housing and employment trajectories. The queries relating to the Viability Assessment need clarification and the costs for the proposed inter-urban bus service and Paddock Wood Bus Service should be checked against the evidence and the amounts updated as necessary.

The County Council, as Local Highway Authority, wishes to be clear that where schemes have been identified as being required to mitigate the impact of a development site, unless otherwise agreed by the County Council, they will be progressed solely via the County Council's Developer Agreements process including technical approval of designs and oversight. The County Council will not accept contributions to schemes agreed unilaterally between a developer and a local planning authority but will support and assist TWBC throughout the delivery process.

The County Council hopes this information is useful and the County Council welcomes the opportunity to work with TWBC to address the comments above and to assist in progressing the transport related matters to support its new Local Plan.

The County Council would welcome continued engagement as the Local Plan process progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,



Stephanie Holt-Castle
Director – Growth and Communities

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BY EMAIL ONLY

16 October 2024

Dear Matt,

Re: Outline application with all matters reserved for a proposed development at land to the West Of Teynham, London Road, Teynham, Kent [application reference: 21/503906/EIOUT]

Thank you for consulting Kent County Council (the County Council) on the outline planning application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of: the demolition and relocation of existing farmyard and workers' cottages; up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3); up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)); mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E); non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace; and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)) are also included as are highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

The County Council notes that this application has been submitted alongside a related proposal at land south and east of Sittingbourne (reference: 21/503914/EIOUT). A separate response is being made in respect of that application, and where appropriate, the cumulative impact of these two applications is considered. Commentary will make it clear where this is the case.

The County Council draws reference within this response to the prior responses submitted in respect of this application, and the related land at south and east of Sittingbourne application. These responses were provided on 30 November 2021, 1 March 2023 and 27 June 2024 and are available on the planning application portal for reference.

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

- The changes made to the application do not reflect prior comments or advice from the County Council, as Local Highway Authority, responsible for the Public Rights of Way (PRoW) Network. The amendments / additional information do not alter the significant adverse impact on the recorded PRoW Network. The severity of the impact on the PRoW Network remains underestimated and the application does not reflect the importance of the local access network and the quality of the user experience and amenity value. The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, timescale of overall development, construction traffic, noise, visual intrusion, and loss of tranquillity, all contribute to the quality of the user experience inherent in a recreational walk or ride.

The County Council has reviewed the revised application material and has extensive commentary to raise in response to the proposal, set out clearly below, in a subject chapter format. The County Council is disappointed to note that matters raised during earlier consultations have not been addressed and the County Council maintains its objection in respect of PRoW to the scheme on the grounds as set out above.

The County Council will continue to work closely with the Borough Council to help ensure the delivery of new housing and infrastructure in response to local needs – delivering sustainable growth for the Swale Borough.

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

Yours sincerely,



Stephanie Holt-Castle
Director – Growth and Communities

Contents

1. Highways and Transportation.....	5
Introduction	5
Technical Note 16-023-034 Rev A	5
Transport Impact Assessment.....	7
Mitigation Proposals.....	9
Highway Infrastructure Proposals	9
Sustainable Transport Strategy.....	10
Conclusion	11
Public Transportation	13
2. Public Rights of Way	15
3. Development Investment.....	17
Request Summary	17
Justification for Infrastructure Provision/Development Contributions Requested	20
Education	21
Primary Education.....	21
Applicants Proposal – Primary School Site/Indicative Locations/Phasing.....	22
Nursery and Pre-School Provision	22
Special Education Needs and Disabilities Provision	23
Secondary School Provision	23
Secondary School Site.....	24
Provision of Education Places.....	24
Community Learning and Skills.....	25
Integrated Children’s Service – Youth Service/Early Years Service.....	25
Library, Registrations and Archives Service.....	25
Adult Social Care	25
Potential provision of care homes/extra care	26
Supported Living Accommodation.....	26
Waste.....	26
Implementation.....	27
Appendix 3A - Education Need Assessment / Education Land Assessment ..	29
Appendix 3B - Communities’ Assessment	33
Appendix 3C – Social Care	35
Appendix 3D - Waste Assessment.....	37
4. Minerals and Waste.....	39
Appendix 4A – Minerals and Waste Planning Authority Response	40

5. Sustainable Urban Drainage Systems.....	44
Appendix 5A – Lead Local Flood Authority Response	45
6. Heritage Conservation.....	50
Appendix 5A – Heritage Conservation Response	51
7. Biodiversity.....	58
Appendix 7A – Biodiversity Response	59

1. Highways and Transportation

Introduction

From the start of considering the initial submission of the planning application in August 2021, County Council Highways and Transportation has provided a series of technical responses spanning the numerous rounds of consultation requests that followed the submission of amended plans or additional information. These will provide the reference to detailed technical commentary on the matters raised on behalf of the Local Highway Authority thus far.

To respond to the last comments made by the County Council in the consultation response dated 26th June 2024, the applicant has now submitted a Technical Note (document reference 16-023-034 Rev A). This has been prepared to specifically address the points of clarification requested by County Council Highways and Transportation. In particular, it is appreciated that the document should be read in conjunction with the Transport Assessment (TA) dated February 2024, as the Technical Note provides clarification on the queries raised regarding the traffic modelling that was contained in the earlier document.

The County Council would therefore comment as follows on the suite of information that has been received:

Technical Note 16-023-034 Rev A

The Technical Note (TN) submitted by the applicant has provided responses to each of the “Actions” that were raised in the highway section of the County Council comments dated 26th June 2024. A review of the TN has enabled the County Council to confirm the following matters:

Highway Network Modelling

The information provided has enabled the County Council to confirm that that models used to assign traffic across the highway network have been constructed appropriately. The SWECO base model used to build the future year scenarios had been agreed by the County Council and Swale Borough Council previously as part of the emerging Local Plan evidence, and the tables in the TN that summarise a number of quoted link flows from the base model have now corrected the errors that were noted in the TA.

Further details have also been provided to confirm that the future year scenarios with and without the development each include the requested committed developments with agreed traffic movements, the correct list of committed highway infrastructure, and the development has been appropriately connected to the highway network.

Accident Data Analysis

Sufficient detailed information of the accident data from the latest 5 year period available has now been provided and an assessment carried out to identify any clusters or patterns that would warrant mitigation. Of the relevant 32 junctions within the study area, only a small number of these were identified as showing any clusters that might suggest an issue with the existing highway layout;

- *A2 St Michaels Road/ Crown Quay Lane* – A pattern of collisions involving right turn movements from west to south has been identified. However, the traffic modelling predicts a reduction in the demand for these right turn movements during the AM peak as a result of the development proposals, and no change in the PM peak. The development would not therefore be considered to worsen the existing situation.
- *A249/B2006 Bobbing Interchange* – 17 collisions were recorded at this junction but the locations were evenly spread around the interchange. The only pattern apparent were rear end shunts, which is a common occurrence with roundabouts and can be attributed to poor driver attention rather than a design problem. This level of occurrence can be expected at a major junction of this size and activity, and not likely to be exacerbated by modest increases in traffic flows. Additionally, it is noted that this junction is due to be upgraded as part of the North West Sittingbourne development, reference 18/502190.
- *A2/A251 Ashford Road* – A pattern of rear end shunts was recorded at this junction, generally associated with slowing down or waiting for the right turn movement onto Ashford Road. However, the junction has been upgraded and now operates under traffic signals since the collisions were recorded, so no safety improvements would be required.
- *A2/M2 Brenley Corner* - A cluster of incidents were identified around the A2 East entry to M2 West. It is noted that the development is only expected to give rise to around a 1% increase in that movement, but in any case National Highways is the Highway Authority with jurisdiction over the junction and would comment on this aspect.

It is therefore agreed that the collision data does not identify any pattern of incidents that would require addressing by the development.

Junction Modelling Selection

In addition to the junctions modelled in the TA for capacity assessment, the TN now includes modelling of a further 5 junctions that the County Council had identified, together with additional modelling of 2 previously assessed junctions that have improvement schemes committed. It is considered that the appropriate scope of junctions have been assessed.

A2 East Corridor Capacity Assessment

The Development model had identified an increase in traffic flows along the A2 corridor east of the proposed development. In Teynham, where the traffic flow increases would be greatest, eastbound one-way flows in the AM peak hour would equate to approximately 4 additional vehicles per minute, and 5 additional vehicles per minute westbound in the PM

peak hour. Through Ospringe, one-way flows would increase by 2 vehicles per minute eastbound in the AM peak hour, and 3 vehicles per minute westbound in the PM peak hour.

At the request of the County Council, an analysis of link flow capacity has been provided in the TN to compare the Development model flows against the indicative capacities specified in the now withdrawn publication TA79/99 of the Design Manual for Roads and Bridges, and is considered a suitable methodology in the absence of any replacement guidance.

Figures 5.5 and 5.9 in the TN set out the road types classification and typical capacities expected for those depending on a number of factors such as speed limits, road widths, on-street parking and other features influencing the road environment, and figure 5.10 compares the one-way flow capacity against the development model flows for each section of the A2. The values in the table do show that none of the one-way directional flow capacities expect to be exceeded with the development in place. In combination with the accident data, it can therefore be accepted that the A2 corridor links would be suitable for the increased traffic flows expected along them, notwithstanding the separate assessment of junction capacity modelling discussed below.

Transport Impact Assessment

In light of the information provided in the TN that has now enabled the County Council to agree the traffic flows from the strategic model outputs, the relevant details in the January 2024 TA can be reviewed together with the additional junction capacity assessments provided to consider the Traffic Impact Appraisal.

Traffic Link Flows

Comparing the 2038 Reference Case model with the 2038 Development model, it is apparent that completion of the Sittingbourne Northern Relief Road (SNRR) results in a general reduction in traffic around Sittingbourne town centre and the majority of its road network, including the A2 West through to Key Street. Of note are significant reductions on the Lower Road/Tonge Road corridor, the A2 through Bapchild, and routes north of the A2 in Sittingbourne to the commercial areas at Eurolink. The exception is Swale Way, the A249 between Bobbing and Grovehurst, and in the AM peak hour, Swanstree Avenue to Woodstock Road. As mentioned already, the A2 East corridor to Faversham also experiences an increase.

Local Junction Testing

The suite of junction capacity assessment outputs gathered from the TN and TA now available indicates a number of junctions within the study area between the A249 and A2/M2 junction at Brenley corner that will be exceeding capacity in the Reference Case Model. These being:

- A2 – St Michaels Road/Crown Quay Lane
- A249/B2006 (Bobbing)
- A2 – The Mall/A251 Ashford Road
- M2 junction 7 (Brenley Corner)
- Woodstock Road/Bell Road/Gore Court Road
- Castle Road/Dolphin Road

- Church Road/Tonge Road/Murston Road

The Development Model junction assessments show that the introduction of proposed infrastructure (SNRR) with associated development brings a noticeable improvement in the performance of those within Sittingbourne town centre and Eurolink/Murston, but a further deterioration of those at A2/A251, M2 J7 and Woodstock Road. It is noted that no additional junctions beyond those already listed in the Reference Case without development will exceed capacity with the development.

With the development, the junctions at Castle Road/Dolphin Road and Church Road/Tonge Road would no longer exceed capacity. While it is acknowledged that the A2/Crown Quay Lane junction is still expected to exceed capacity in the development scenario, it does show a 20% improvement in performance on its worst arm.

Capacity on The Woodstock Road/Bell Road junction would deteriorate by a further 16% on its Woodstock Road arm in the AM peak hour and 3% in the PM peak hour. The applicant has proposed a junction improvement scheme at this location, which is shown to bring the performance back within capacity.

There is a mix of deterioration and improvement shown on different arms of the A249 Bobbing junction and M2 J7, and the TA has assessed this as a net improvement. As both these junctions fall under the jurisdiction of National Highways, that Highway Authority will need to confirm acceptance of the impact at those locations and any mitigation required.

The junction of A2/A251 Ashford Road does show a further 10% exceedance in its capacity as a result of the development and reassignment of traffic. It is accepted that once the capacity has been reached in the modelling, outputs are less reliable as further increases rise exponentially and the results exaggerated. Additionally, it is noted that any increase in queues on the A2 would lead to congestion rather than a severe impact on highway safety from an additional 2 to 3 vehicles a minute arriving at the junction across all its arms. On balance, it is considered that some worsening of the junction performance is mitigated by the benefits to the operation of the network in Sittingbourne and significant reduction in traffic flows on some routes.

Junction Testing (Proposed Infrastructure)

In addition to a select number of proposed new junctions tested in the TA, at the request of the County Council, the TN has now included those serving the retained section of the A2 through the centre of Bapchild.

Model outputs for the junctions associated with the SNRR and associated link roads indicated that they will all operate within capacity in the 2038 Development scenario, with the exception of the western exit from the retained length of the existing A2 through Bapchild, onto the realigned A2. This arm of the junction is predicted to exceed desirable capacity, though still within theoretical capacity by 8%. It is not considered necessary to improve this as the road is intended for local traffic only, and improving the left turn onto the A2 could encourage non-local westbound traffic to bypass the new A2 alignment.

Mitigation Proposals

Woodstock Road/ Bell Road/Gore Court Road/Park Avenue

Based on the above assessment, this junction has been identified in the TA as requiring mitigation due to worsening of congestion with the development in the 2038 future year model scenarios. The proposed scheme presented in the TN and drawing 16-023-1007B would increase the capacity of the junction so that it is no longer exceeded, providing far greater improvement than the planning requirement of nil detriment. As with the previous revision of the improvement scheme, the County Council does have some concerns with the current outline design as the footways would be narrowed at the junction radius and road markings are unclear. However, it is appreciated that the drawing is in outline concept and it is considered that through the detailed design and technical approval process, minor changes can be made to address these concerns or an alternative improvement scheme proposed. Approval of a scheme at this location can be secured as a planning condition as set out in the concluding commentary within this chapter.

Highway Infrastructure Proposals

Sittingbourne Northern Relief Road

Noting that the application has been made in a three-tiered format, only the principle of the development is to be considered at this first tier of the planning process, as access will remain a reserved matter for tier two determination. The information provided for the SNRR and access strategy are therefore illustrative only, and provide a level of detail to give an indication of where the roads, junctions and site access locations may be located, and allow assessment of the high level road network. Further detailed assessment of local roads in the immediate vicinity would be undertaken at Tier 2 stage.

For Tier 1 assessment, the indicative road layout and junction positions are considered to be acceptable in the context of connecting to the existing highway, and the conceptual form of these junctions are appropriate, subject to detailed design at Tier 2.

The proposed completion of the SNRR linking Swale Way to the A2 would utilise the provisions made in Bearing Fruits, the current Swale Local Plan, which has sought to safeguard land for the purpose of allowing it to be delivered. It is noted that the recent appeal decision for Land west of Church Road (planning reference 22/502834/EIOUT) has obliged the developer to safeguard a corridor within their site to accommodate the SNRR, and the proposed alignment through that site would be facilitated by that obligation.

It is considered that the Tier 1 outline concept design of the infrastructure proposals is acceptable, subject to detailed design at Tier 2, noting that it closely aligns with the preferred route published by the County Council in 2009. Hempstead Lane would be severed across the new road and a turning head provided on the southern section to facilitate access from the A2 only. The principle of this is agreed, together with the SNRR being provided as a 7.3m wide road with additional off-carriageway cycle provision to connect to existing cycleways westwards on the A2, the Stones Farm development and Swale Way. This provision will need to accord with the guidance contained within LTN1/20, and will also be determined at Tier 2.

The delivery of the route would be expected through a combination of Section 38 agreements over the applicants land control and Section 278 agreements where connections or changes to the existing public highway would be made.

Pre-application discussions with Network Rail on the principle of a bridge as demonstrated were conducted. During those discussions it was acknowledged that the bridge would provide for strategic highway as identified by the County Council's Local Transport Plan 4. As is appropriate for this stage of an application, no agreement for the structure has been secured between the applicant, Network Rail and the Highway Authority. A condition requiring an agreement for the structure, ownership and maintenance must be secured prior to any commencement of the development were it to be approved.

Sustainable Transport Strategy

Due to the Three-Tiered nature of the application, the sustainable transport measures cannot yet be fully fixed as these are expected to evolve during the progression of the development. Conditions will therefore need to be placed on any consent granted for this application, to seek detail for approval of the measures that are considered appropriate or available from emerging technologies at that time. The S106 agreement will also need the flexibility to secure the financial contributions associated with any measures that are subsequently approved or required once the cost plans are known nearer the time.

This could include the provision of new bus routes to pass through the development and link to Teynham, Sittingbourne and Great East Hall as suggested within the strategy document. As mentioned above, these can only be determined at the second tier when the access points and detail of the infrastructure have been approved. However, it is understood that bus service contributions have been proposed that can be secured at the current (first tier) planning stage. This would amount to a contribution of £2.2M in order to provide pump priming of services to the application site for a period of 5 years.

Similarly, the consideration of walking and cycling routes, and how these should be provided or enhanced will also be determined at the second tier of approval.

Improvements to cycle parking convenience are welcomed with easier accessibility integrated into proposed dwellings. These would need to be both secured and sheltered.

An electric bike hire scheme within the development is proposed and welcomed. This would be served from the transport hub with supporting infrastructure provided throughout the development. It is proposed that the development's electric bike scheme could be expanded to cover wider areas of the Borough.

Conclusion

In providing the comments made above, on balance and in recognition of the severity tests within the NPPF, provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1. Approval and implementation of Sustainable Transport Strategy with review mechanism over the phased progression of the development.
2. Provision of off-site highway works to improve highway capacity at the junction of Woodstock Road/ Bell Road/ Park Avenue/ Gore Court Road.
3. Submission of details to improve walking and cycling routes between the development and Teynham Station, and thereafter provided prior to the occupation of any dwelling
4. Contribution of £2.2M towards the provision of bus services.
5. Completion of the Sittingbourne Northern Relief Road and associated accommodation works as shown indicatively on drawings 16-023/6000D Revision C, 16-023/6010D Revision C, 16-023/6011D Revision B, 16-023/6012B Revision C and 16-023/6015 prior to occupation, via highway adoption agreements with the Highway Authority,
6. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site.
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
 - (c) Timing of deliveries, avoiding network and school peaks where possible.
 - (d) Provision of wheel washing facilities.
 - (e) Measures to prevent the discharge of surface water onto the highway.
 - (f) Temporary traffic management / signage.
7. Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.
8. No dwelling shall be occupied until vehicle parking and turning space has been provided, surfaced and drained to the satisfaction of the Local Planning Authority in accordance with the adopted parking standards, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted

Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

9. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
10. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
11. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
12. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
13. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Informatives:

- Planning permission does not convey any approval for construction of the required vehicular crossings, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and

Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- The applicants should be advised that separate prior approval will be required from Kent County Council for the proposed retaining/basement wall adjacent to the highway and in this regard they should contact structurestechnicalapproval@kent.gov.uk
- Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Public Transportation

The County Council has had discussions with the applicant's consultants Charles and Associates regarding this site, particularly concerning their proposed Sustainable Transport Strategy.

Firstly, it is the County Council's understanding that earlier versions of the Transport Strategy did not reference the principle of financial contributions for buses. This position would be unacceptable and would likely result in no bus provision for the site. The scale of the development may mean that arguably in the longer term there may be potential for a commercial bus operation (i.e. after full build out), this would certainly not be the case from initial construction. Subsequent discussions with Charles and Associates have identified that a financial contribution would be essential and it is the County Council's understanding that this principle is now accepted by the developer.

In terms of contribution levels and principles:

Land to the west of Teynham, London Road, Teynham (Northern Site):

- The County Council would seek to secure contributions from this site to either provide a new dedicated service, linking with Sittingbourne Town Centre, or to link with an existing service from the Great Easthall estate.
- The County Council anticipates that based on current costs, a minimum contribution of £2.2M will be required from the applicant to deliver such a service. This is based on the provision of 2 vehicles at an annual cost of £220k per annum for a 5 year period.

- Within any resultant S106 agreement, the contribution would need to be kept generalised in order to allow either of the new or extension service options to be delivered.
- A detailed plan would need to be agreed with the developer with respect to trigger points to ensure the service was delivered at an appropriate stage of build out.
- The County Council will also require the developer to produce a detailed delivery plan to support the delivery of the bus service with respect to supporting infrastructure and subsequently deliver / fund the delivery plan as part of their build out in order to facilitate the bus service. This will need to be agreed with the County Council (and Swale Borough Council with respect to bus shelters) as part of any S106 and include provision for bus stop locations (temporary and permanent), any temporary turning areas due to phasing or works, bus standing facilities / driver facilities and any supporting infrastructure linked to any bus only links.

2. Public Rights of Way

The County Council, in respect of Public Rights of Way and Access maintains its position of objection to the application due to issues set out within this response in consideration of the [Rights of Way Improvement Plan](#) (2018-2028) (ROWIP) and NPPF (December 2023) paragraph 104: “. *Planning policies and 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*”.

The County Council has been actively engaged in responding to consultations from the Local Planning Authority in respect of its role and responsibilities around Public Rights of Way and Access and the ROWIP.

The application has now been amended again; however, the further documentation provided does not resolve prior comments and advice from the County Council in respect of PRow and the amendments/additional information do not alter the significant adverse impact on the recorded PRow Network and the significant loss of open countryside, both of which provide numerous benefits to the Borough. As such, the underlying concerns raised in previous County Council responses remain outstanding.

The County Council continues to raise concern that the “detailed PRow improvement strategy” will not be delivered until Tier 2 of the proposal.

Planning Statement Addendum

In respect of part 4.56 Table 4.1, there is no inclusion of Policy CP2 Promoting Sustainable Transport i.e.. walking and cycling priority and there appears to be no mention of Active Travel / PRow walking and cycling opportunities. This is not acceptable to the County Council.

Connections Plan North

The labelling of PRow is again disappointing with the routes not referenced as per previous responses request/advice from the County Council. The same colouring appears to be used for Bridleways and “Potential cycle and footpath link to Teynham Station” – this is confusing and requires clarity. The County Council also questions whether reference to “Footpath” means a new recorded PRow route? Overall, the County Council considers that the plan does not provide the necessary clarity. Furthermore, Restricted Byway ZR195 and Public Footpath ZR260 appear to be omitted.

PRow Network North

Public Footpath ZR260 appears to be omitted and the plan does not provide the clarity required. The PRow Network should be shown together with the Primary and Secondary

Access roads for understanding of the proposals impact, and therefore potential conflict between routes. Again, similar colours are used for different routes, causing confusion.

Phasing Plan North

There is no real information regarding when PROW routes improvement will be phased – the County Council would draw attention to previous commentary in respect of PROW routes affect for each phase. Phasing will have a huge impact on the area connectivity due to construction impact over a long time period and the severe disruption to the Network cannot be underestimated in terms of the effect on both the physical resource from temporary or permanent closures and diversions, as well as the quality of user experience and amenity value. For example, PROW ZR195 (part) would appear to be affected by Phase 1 but also part within Phase 2.

Greenspace Structuring Plan

The County Council requires that PROW routes should be included in this plan to ensure the routes are within green space

Response Note to KCC Highways and PROW

The County Council notes that there appears to be no response from the applicant here in respect of the PROW commentary raised, apart from the applicant confirming that detail will be provided at later Tiers. The County Council draws attention to previous commentary in respect of this detail being provided at later stages, as it does not offer the County Council, as Local Highway Authority for PROWs, the opportunity to fully assess the impact of the development. Therefore the impact of the development is not clear.

3. Development Investment

The County Council below includes the same requests and detail as provided on 26 June 2024 with a number of amendments as identified.

The County Council has re-assessed the implications of this proposal in terms of the delivery of its community services and the latest information from the applicant. It remains the opinion that the application will have an additional impact on the delivery of its services, which 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 the attached Appendices).

The County Council notes that this application has been submitted concurrently with the Highsted Park South application SW/21/503914, and indeed provisions have been proposed for both sites, particularly Secondary education. However, the applications are separate and will be reviewed independently. The County Council would therefore wish to draw the Local Planning Authority's particular attention to the Secondary, Special Education Need and Waste requirements, and how these matters should be dealt with if the applications proceed independently.

Request Summary

Table 1

	Per 'Applicable' House (1036) *	Per 'Applicable' flat (68) *	Estimated Total	Project
Nursery	26 place Nursery at the new 2 Form Entry primary school – Provided as part of the 2FE primary school			
Primary Education	£7,081.20	£1,770.30	£7,456,503.60*	New on-site 2FE primary school and/or increased

				capacity in the Sittingbourne South or East Planning Groups
Primary Land	Please be advised that this has been amended from the June 2024 response - 1 No. 2FE Primary School site of 2.05ha at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£589,501.16*	Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough
Secondary Education	£5,587.19	£1,396.80	£5,883,311.24*	Towards new secondary school to serve this development in the Sittingbourne non selective and Sittingbourne and Sheppey Selective Planning Group
Secondary Land**	New Secondary School site to be provided at no cost to the County Council, on the South site. Where Highsted Park (North & South) proceed together, the North Site to contribute proportionately as below:			
	£3022.72	£755.68	£3,182,924.16*	Towards land acquisition costs of a new secondary school in the Sittingbourne area

Please Note:

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation. The applicant has advised in correspondence that all proposed 1-bed flats are below this size and therefore not applicable. Should this change, the County Council will reassess the requirement for education places.

* The County Council has used the housing mix referenced in the January 2024 Planning Statement Addendum Para 3.3 Table 3.1). The applicant has previously advised in correspondence that 10% of 2 bed flats/houses will be restricted to occupancy for over 65s. the County Council has applied this mix and removed the age restricted dwellings as non-applicable for education assessment, subject to a legal Agreement restricting occupancy age in the age restricted dwellings in perpetuity.

** Secondary land & Special Educational Needs (SEN) – Irrespective of whether the Highsted Park North and South sites proceed jointly or independently, Kent County Council Education has confirmed that there is a significant deficit in places locally, even allowing for a new Secondary school in Northwest Sittingbourne. Consequently, additional Secondary and SEN provision will be required for this Highsted North application if it proceeds independently from Highsted Park South.

Should either the mix or age restricted unit numbers change, the County Council reserves the right to reassess the requirement for education places.

Table 1 continued:

	Per Dwelling (x1250)	Total	Project
Community Learning and Skills	£34.21	£42,762.50	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
Integrated Children's Services	£74.05	£81,751.20	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and/or the upgrade of existing youth facilities or sport infrastructure in the Borough
Library, Registrations and Archives	£62.63	£78,287.50	Towards additional resources, services and stock, the local mobile Library service and works to Sittingbourne Library to increase capacity to meet the needs of the development.
Adult Social Care	£180.88	£226,100.00	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2). Levels of Extra Care provision to be defined.		
Community	*Design that is Dementia friendly with dementia friendly decoration and		

Buildings specification:	signage. *A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc. *Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org) * Provision of secure storage for Kent County Council's Social Care, Community Learning, Libraries and Youth Service.		
Waste	£194.13	£242,662.50	Towards a new Household Waste Recycling Centre on the new Highsted Park South site and/or HWRC at Sittingbourne and/or increases in capacity at Faversham HWRC. And increases in capacity at the Waste Transfer Station in Sittingbourne.
Waste Site	A new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council - transferred as per the County Council's General Transfer Terms should the combined Highsted Park North and South proceed. This request is amended from the June 2024 response. If the new HWRC is ultimately located on the South site and the North site is in separate ownership, any land cost should be dealt with by the applicants through a <i>Development Land Equalisation Agreement</i> with this North site contributing its proportionate share. ¹		

Please note that these figures:

- are to be index linked by the All-In Tender Price Index from Q1 2022 to the date of payment.
- 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.
- Bonds will be required by the County Council for the Education contributions if the applicant wishes to pay the contributions in instalments. If the contributions are paid in instalments, the applicant will also be required to cover the County Council's borrowing costs for the construction of the schools.

Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas the County Council will seek for, contribution rates, methodology for calculation and policy justification are contained within the Guide and can be viewed [here](#).

¹ Proportionate HWRC land contributions from this application will then be required through a Development Equalisation Agreement to fund the provision within Highsted Park South.

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 the attached appendices.

Education

The County Council is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

This proposal has been assessed in accordance with the County Council's Development Contributions Guide methodology of assessment. This assessment will start with the forecast capacity of existing schools, taking in to account existing cohorts, the pre-school aged population, historic migration patterns and new residential developments in the locality.

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

Primary Education

The indicative housing mix provided by the applicant has been used to calculate the Primary Education need created by the development. Based on this mix, which must be subject to regular review to confirm the final mix - the proposed North development is estimated to generate up to 295 primary pupils, equivalent to 1.4 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Kent County Council commissions new primary schools as either two or three forms of entry, and therefore a 2 Form Entry Primary school will be required to support the (North) development.

It should be noted that some of the demand for the proposed Teynham West school is generated from the 21/503914 Sittingbourne South and East application. In line with DfE guidance, the County Council has named a contingency project (increased capacity in the Sittingbourne South or East Planning Groups) in the event that future needs change over the period of the proposed build out.

In respect of the August 2024 submission, It should also be noted that the latest submitted planning statement references a 3FE primary school which is assumed to be an error. The County Council is seeking a 2FE school for this application.

Applicants Proposal – Primary School Site/Indicative Locations/Phasing.

The site proposed for a 2FE primary school is 2.05Ha of land and this should be transferred in accordance with Kent County Council General Site Transfer terms (attached) at nil cost to the County Council. The location of the site is to be agreed with the County Council as the Statutory Education Authority. It is noted that the built form height plan allows for the school to be up to 12m in height.

The County Council welcomes the additional information which demonstrates that the school would be provided within the first phase of development (phase 1 being from year 1-5 of the proposed development). The County Council would like to further understand the phasing for delivery and access to the proposed school site. Anticipated completion of school build, with full contributions for the primary school delivery/opening to meet demand arising from Highsted North, is requested upon 350 occupations. The delivery trigger must be subject to appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and pupil demand, to ensure sufficient capacity and an appropriate delivery point to meet demand.

The Masterplan: North (Drawing Number 2952-210C) shows the primary school location to the north of the spine road.

Greater detail of the proposed primary school site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information on: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with the County Council's suitability assessments, it will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the Authority would be able to confirm it is agreeable.

It is expected that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also existing neighbourhoods in the locality. A suitable pedestrian crossing will be required to serve a safe link between the proposed local centre and the school.

In a scenario in which the school land were not required it is recommended that the County Council, alongside the applicant and Planning Authority agree a contingency use for the land to be of benefit to the local community. In such a scenario the County Council would need to provide confirmation, by notice, that the land is not required for a new school.

Nursery and Pre-School Provision

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst the County Council is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private/voluntary/independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early

education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has been high. By the time the development is becoming occupied it is likely that 30 hours free childcare will be available to all, increasing levels of demand. The County Council supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds)) and will work with the Applicant to advise on the appropriate method of delivery.

Special Education Needs and Disabilities Provision

The Children's and Families Act 2014, Equality Act 2010 and Children and Families Act 2014 sets out the County Council's responsibilities for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 years. The County Council's [SEND Strategy \(2021-2024\)](#) sets out its vision and priorities in respect of this area of its service.

Children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. School-age pupils with EHCPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites and in stand-alone special needs schools.

Mitigation of Need

This proposal gives rise to additional pupils with EHCPs requiring extra support through specialist provision. All SEND infrastructure in Kent is currently at capacity.

A proportionate contribution is therefore required to mitigate the impact from the development through the provision of additional SEND places as identified in Table 1.

Secondary School Provision

The indicative housing mix provided by the applicant has been used to calculate the Secondary Education need created by the development. Based on this mix –which must be subject to regular review to reflect the final mix – the proposed North development is estimated to generate up to 211 secondary pupils, equivalent to 1.4 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Secondary Education demand is exceeding provision in the Borough, with a significant forecast deficit in places, as extant permissions are built out, and the County Council awaits the build of the new school in North West Sittingbourne to meet the current Local Plan.

Consequently, this application will place additional pressures on education provision and therefore new Secondary school infrastructure is required.

This application is largely dependent on the approval of 21/503914, which provides land for Secondary infrastructure. However, in acknowledgement of the uncertainty of that application, which is separate to this application, the request will require flexibility to be able to provide appropriate increased capacity. This would be either through new infrastructure within application 21/503914 and/or increased capacity in the Sittingbourne non-selective and/or Sittingbourne and Sheppey selective planning groups.

Secondary School Site

In a scenario in which both applications are approved, the County Council will require transfer of a new secondary school site of 10ha within the Highsted Park (South) development on a suitable site (location to be agreed by the Local Education Authority) in accordance with the attached Kent County Council's General Site Transfer Terms and at nil cost to the County Council.

Should this application proceed in isolation of Highsted Park (South), the County Council may require Education Land costs for an alternative site.

If Highsted Park (North and South) proceeds concurrently then proportionate contributions towards the Secondary School land at Highsted Park South of £3,022.72 per 'applicable' house and £755.68 per 'applicable' flat will be required through a Development Equalisation Agreement.

The site acquisition cost is based upon local land prices published within our Developer Contributions Guide and any section 106 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 the County Council taking the freehold transfer of the site to reflect the price actually paid for the land.

Provision of Education Places

Please note that the process of education places will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to 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.

The County Council 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 2023-27](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

Community Learning and Skills

The County Council provides Community Learning and Skills (CLS) facilities and services in line with [Framing Kent's Future – Our Council Strategy 2022/2026](#) (Priority 1 – Levelling Up Kent and Priority 2 – Infrastructure For Communities).

Appendix 3B provides detail of the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

Integrated Children's Service – Youth Service/Early Years Service

The County Council has a statutory duty to provide Youth Services under section 507B of the Education Act 1996 and the statutory guidance '[Working Together to Safeguard Children](#)'.

Appendix 3B provides detail of the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

Library, Registrations and Archives Service

Under the [Public Libraries and Museums Act 1964](#), the County Council has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires the County Council to take proper care of its libraries and archives.

There is an assessed shortfall in provision for this service. Borrower numbers are in excess of capacity, and book stock in Borough at 669 items per 1,000 population is below the National standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 3B. The appendix demonstrates; the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

The County Council is expecting to continue to deliver its library service for this area at the existing Faversham library. This library was fully refurbished in 2018 and is currently co-locating with the Good Day Programme.

Adult Social Care

The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions.

Appendix 3C provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon the County Council to provide Adult Social Care services. The appendix demonstrates; the demand generated by the application, the projects serving the development and proportionate cost requested to mitigate the impact arising from this development. Table 1 also identifies the mitigating projects serving the development.

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. The County Council requests that 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 occupant's 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. The County Council would encourage any new residential care home provider to join the Kent County Council's Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, the County Council recommends that the applicant works with the County Council's Adult Social Services to develop the most appropriate form of care delivery.

Supported Living Accommodation

Paragraph 3.2 of the Planning Statement identifies that the development proposes to include the provision of extra care units for over 65s. This inclusion is welcomed, however, there is no detail at this stage as to the amount that would be available. The demand for supported living accommodation has increased significantly. The County Council would wish to ensure that the dwelling mix of this development and level of extra care units available is sufficient to meet the levels of demand. As such, the County Council recommends that the applicant works with the County Council's Adult Social Services to develop the most appropriate forms of care delivery and that any legal agreements or conditions on housing mix have the ability to set out minimum levels of provision of extra care units.

Waste

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Appendix 3D provides detail of the current shortfall in the provision of this service, the demand generated by the application and also explains the statutory duty upon the County Council.

The appendix demonstrates the projects serving the development and proportionate cost requested to mitigate the impact arising from this development and accommodate the increased waste throughput within the Borough. Table 1 also identifies the mitigating projects serving the development.

Waste Transfer - Contributions are required towards works to increase capacity at the Church Marshes Waste Transfer Station.

Household Waste and Recycling Centre (HWRC) - This section has been amended since the June 2024 submission.

Should this application proceed independently a mitigating contribution is required for the expansion works of HWRC provision-

If Highsted Park (North and South) proceeds concurrently, a new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council, additionally to the identified financial contributions in Table 1. Proportionate HWRC land contributions from this application will then be required through a Development Equalisation Agreement to fund the provision within Highsted Park South.

Implementation

The above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal. The Local Planning Authority is requested to seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement. Additionally, a County Council monitoring fee of £300 for each trigger point identified for County contributions within the Agreement is also required, irrespective of whether or not the County Council are party to the agreement.

Any Section 106 or UU containing contributions for the County Council's services should be shared with the authority via the Developer.Contributions@kent.gov.uk email address prior to its finalisation.

If the contributions requested are not considered to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us immediately and allow at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

Appendix 3A - Education Need Assessment / Education Land Assessment

KCC developer contribution assessment for Primary Education

District:	Swale	Non-applicable units:	146
Site:	Land To The West Of Teynham London Road Teynham Kent	Houses:	1038
Plan ref:	SW/21/503906	Flats:	67
Date:	13/03/2024	Total units:	1250

Current and forecast pupils on roll for schools within		Sittingbourne East planning group										
DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
2055	Lansdowne Primary School	394	409	396	394	384	375	365	366	357	360	361
2126	Sunny Bank Primary School	178	174	183	177	178	173	173	175	171	172	172
2233	Lynsted and Norton Primary School	71	83	73	75	73	73	63	66	64	64	65
2254	Canterbury Road Primary School	207	208	209	208	206	202	202	200	196	197	198
2435	South Avenue Primary School	406	414	400	393	385	378	369	372	364	366	368
3117	Teynham Parochial CE Primary School	200	198	197	193	189	187	182	184	180	181	182
3328	Bapchild and Tonge CE Primary School	208	210	215	215	215	214	213	211	206	208	209
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		1,664	1,696	1,674	1,656	1,629	1,601	1,567	1,574	1,537	1,548	1,553
Required capacity to maintain 2% surplus capacity		1,698	1,731	1,708	1,689	1,663	1,633	1,599	1,606	1,568	1,580	1,585

Current and forecast capacity for schools within		Sittingbourne East planning group										
DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
2055	Lansdowne Primary School	420	420	420	420	420	420	420	420	420	420	420
2126	Sunny Bank Primary School	315	315	315	300	285	270	255	240	225	210	210
2233	Lynsted and Norton Primary School	140	105	105	105	105	105	105	105	105	105	105
2254	Canterbury Road Primary School	210	210	210	210	210	210	210	210	210	210	210
2435	South Avenue Primary School	420	420	420	420	420	420	420	420	420	420	420
3117	Teynham Parochial CE Primary School	210	210	210	210	240	270	300	330	360	390	420
3328	Bapchild and Tonge CE Primary School	210	210	210	210	210	210	210	210	210	210	210
Current and forecast capacity (1)		1,925	1,890	1,890	1,875	1,890	1,905	1,920	1,935	1,950	1,965	1,995

(1) including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil yield from new developments within		Sittingbourne East planning group		
Planning reference	Development	Houses	Flats	Primary product
SW/22/505558	87 High Street/1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	10	1
SW/22/503880	The Granary Berkeley House Lynsted Lane Lynsted Sittingbourne Kent ME9 0RL	3	3	1
SW/23/503467	Pembury Court Pembury Street South Of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN	50	0	14
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502834	Land West Of Church Road Bapchild Tonge Kent	251	75	76
SW/22/500601	Radfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/21/506812	12-29 Sutton Street Sittingbourne ME10 3QU	0	3	0
SW/21/505296	Land To The North Of Lower Road Teynham Kent ME9 9EQ	23	0	6
SW/21/503609	Land To The East Of Lynsted Lane Lynsted Kent ME9 9JN (S106)	10	0	0
SW/21/501334	Land At Fox Hill And School Lane Bapchild Kent ME9 9NL	95	0	27
SW/20/506066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	4
SW/20/503325	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	3
SW/20/501631	Moore's Yard Crown Quay Lane Sittingbourne ME10 3JN	12	15	4
SW/19/505036	Land South Of London Road Teynham Kent ME9 9JQ	70	10	20
SW/19/501693	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4BJ (S106)	0	24	0
SW/18/506460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HJ	24	0	7
SW/16/507689	Land between Froggall Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		934	197	164
This development		1,038	67	295

Assessment summary		Sittingbourne East planning group										
Detail	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	227	159	182	186	227	272	321	329	382	385	410	
Expected pupil yield from new developments	164	164	164	164	164	164	164	164	164	164	164	
Surplus / (deficit) capacity including the expected pupil yield from new developments	63	-5	18	21	63	108	156	164	217	221	246	
Expected pupil yield from this development	295	295	295	295	295	295	295	295	295	295	295	
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-232	-300	-278	-274	-232	-188	-139	-131	-78	-74	-49	
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	232	295	278	274	232	188	139	131	78	74	49	

Background notes:

Pupil forecasts 2023 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

KCC developer contribution assessment for Secondary (Years 7-11) Education

District:	Swale	Non-applicable units:	146
Site:	Land To The West Of Teynham London Road Teynham Kent	Houses:	1038
Plan ref:	SW/21/00396	Flats:	67
Date:	13/03/2024	Total units:	1100

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups										
		2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
4002	Sittingbourne School	1,402	1,418	1,464	1,440	1,467	1,514	1,519	1,521	1,536	1,520	1,468
4080	Higshel Grammar School	720	688	714	714	701	724	718	715	715	707	685
4527	Borden Grammar School	664	686	701	722	714	724	721	720	722	715	694
5414	Fulston Manor School	1,060	1,057	1,067	1,083	1,083	1,081	1,073	1,065	1,066	1,046	1,015
5434	Westlands School	1,595	1,591	1,661	1,690	1,691	1,748	1,746	1,749	1,749	1,753	1,716
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		5,441	5,440	5,606	5,706	5,676	5,791	5,776	5,768	5,788	5,741	5,579
Required capacity to maintain 2% surplus capacity		5,552	5,551	5,721	5,822	5,792	5,910	5,894	5,886	5,907	5,858	5,692

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups										
		2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
4002	Sittingbourne School	1,410	1,440	1,440	1,440	1,410	1,380	1,350	1,350	1,350	1,350	1,350
4080	Higshel Grammar School	750	690	690	690	690	720	750	750	750	750	750
4527	Borden Grammar School	660	690	720	750	750	750	750	750	750	750	750
5414	Fulston Manor School	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
5434	Westlands School	1,590	1,560	1,545	1,500	1,425	1,440	1,425	1,425	1,425	1,425	1,425
Current and forecast capacity (1)		5,460	5,430	5,445	5,430	5,395	5,340	5,325	5,325	5,325	5,325	5,325

(1) Including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Planning reference	Details	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups		
		Houses	Flats	Secondary product
SW/24/00552	152 Staplehurst Road Sittingbourne Kent ME10 1XS	20	24	5
SW/24/00438	The Former Pumping Station St. Michaels Road Sittingbourne Kent ME10 1AX	0	10	1
SW/24/00081	Land Off Sheppey Way Iwade Kent ME9 8DY	6	0	2
SW/23/005678	Land West Of Warden Road Eastchurch Kent ME12 4EJ	27	3	1
SW/23/005558	87 High Street /1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	18	1
SW/23/003655	Land To The Rear Of Eden Meadow Newington Kent ME9 7ZH	25	0	5
SW/23/003880	The Granary Berkeley House Lynsted Lane Lynsted Sittingbourne Kent ME9 0RL	3	3	1
SW/23/003407	Penbury Court Penbury Street South Of Fountain Street Sittingbourne Kent ME10 3EP	0	19	1
SW/23/001238	Cockshel Walk Car Park St Michaels Road Sittingbourne Kent ME10 1AU	0	35	2
SW/23/003028	Land On Northern Side Of Canterbury Lane Lipchurch Kent ME9 8QW	36	4	7
SW/23/003365	77-83 & 87 London Road, Sittingbourne, Kent ME10 1NL	0	15	1
SW/22/005646	Land At Upton Court Farm Borden Kent	290	0	58
SW/22/005299	Nil Desperandum Well Road Rushenden Queensborough Kent	22	0	1
SW/22/005076	Land At Pleasant Farm Bramblefield Lane West Of Iwade Bypass Sittingbourne Kent	42	0	8
SW/22/004274	Land At Sittingbourne Hill Mill Way Sittingbourne Kent ME10 2GZ	0	107	5
SW/22/003654	Land To The West Of Bobbing Sittingbourne Kent ME9 8QL	1,750	500	375
SW/22/003418	Land At Tonge Road Sittingbourne Kent ME9 8SD (S106)	16	0	0
SW/22/002963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN (S106)	50	0	0
SW/22/002881	Land South Of 9 Rushenden Road Queensborough Kent ME11 5HB	13	12	1
SW/22/002834	Land West Of Church Road Bapchild Tonge Kent (S106)	251	75	0
SW/22/002086	Land To The East Of Sockles Road Minter-on-sea Kent	650	0	33
SW/22/001005	77 High Street Newington Sittingbourne Kent ME9 7JD	10	0	2
SW/22/000611	Radfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/22/000295	Land South Of London Road Newington Kent (S106)	135	0	0
SW/21/006812	25-29 Station Street Sittingbourne ME10 3DU	0	3	0
SW/21/006014	The Lane 2 Church Street Millers Regis Sittingbourne Kent	0	12	1
SW/21/005722	128 High Street Newington Sittingbourne Kent ME9 7ZH (S106)	39	0	0
SW/21/005544	Hillyfield Hearts Delight Borden Sittingbourne Kent ME9 8HX	5	0	1
SW/21/005498	Land Off Swanstream Avenue Sittingbourne Kent ME10 4LU (S106)	135	0	0
SW/21/005096	Land To The North Of Lower Road Teynham Kent ME9 9EQ	23	0	5
SW/21/005041	Land North Of Lower Road Eastchurch Kent	59	0	3
SW/21/003124	Land To The North Of Elm Avenue Minter-on-sea Sheerness Kent ME12 3RZ (S106)	44	0	0
SW/21/003069	Land To The East Of Lynsted Lane Lynsted Kent ME9 9QN (S106)	10	0	0
SW/21/003038	Northern Phase Regent Quay Crown Quay Lane Sittingbourne Kent (S106)	84	10	0
SW/21/001839	Land Off Otterham Quay Lane Lipchurch Kent (S106)	74	0	0
SW/21/001740	Land At Hill Farm Rock Lane Keycol Hill Bobbing (S106)	30	0	0
SW/21/001334	Land At Fox Hill And School Lane Rock Hill Kent ME9 8HG	95	0	0
SW/21/000204	Old House At Home 15B-162 High Street Sheerness Kent ME12 1UX	0	4	0
SW/20/006107	Reed's Orchard, Parsonage Chase, Minter-on-Sea ME12 33X	9	0	0
SW/20/006066	Storage Land At Lowes Road Bapchild Kent ME9 8BD	14	0	3
SW/20/005921	Land At Highfield Road Minter-on-sea Kent (S106)	19	0	0
SW/20/005196	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1LF (S106)	5	17	0
SW/20/005059	Willow Trees 111 High Street Newington Sittingbourne Kent (S106)	10	0	0
SW/20/003832	Duke of Clarence Trading Estate, High St, Blue Town, Sheerness Kent ME12 1BQ	5	6	0
SW/20/003665	88-100 West Street Sittingbourne Kent ME10 1AS	0	10	1
SW/20/003636	The Former Kersley Arms Public House The Square Sittingbourne Kent ME10 2SL	0	13	1
SW/20/003325	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ET (S106)	47	30	0
SW/20/003122	Barrow Green Farm French Row Barrow Green Teynham ME9 9EH	9	0	2
SW/20/002715	Bobbing Car Dealers Sheppey Way Bobbing Sittingbourne Kent (S106)	12	4	1
SW/20/001631	Mooneys Yard Crown Quay Lane Sittingbourne ME10 3JN	12	15	3
SW/20/001208	240-248 High Street Sheerness Kent (S106)	0	9	0
SW/19/005036	Land South Of London Road Teynham Kent ME9 9QJ	70	10	15
SW/19/004811	Land At Sockles Farm, Minter on Sea, Sheerness Kent ME12 3RU (S106)	12	0	0
SW/19/004736	The Ivy Leaf, Members Club, High Street Sheerness ME12 1NE (S106)	0	6	0
SW/19/003974	Land East Of Iwade Iwade Kent ME9 8T7 (S106)	395	48	0
SW/19/001945	2, Bramblefield Lane, East Of Iwade Pass (S106)	22	0	0
SW/19/001693	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4B1 (S106)	0	24	0
SW/19/001332	Land At Pond Farm Grovehurst Road Sittingbourne Kent ME9 8RD (S106)	72	0	0
SW/19/006077	Halfway Egg Farm Featherbed Lane Sittingbourne ME9 8RA (S106)	19	0	0
SW/18/006460	Former Cover Buildings Cover Quay Cover Kent ME9 9HJ	24	0	5
SW/18/006320	Land Lytng To The South Of Dunlin Walk Iwade Kent ME9 8TG (S106)	20	0	0
SW/18/005157	Land North Of Sanderting Way Iwade Kent ME9 8T7	60	5	12
SW/18/002372	Land At Great Grovehurst Farm Grovehurst Road Sittingbourne (S106)	110	0	0
SW/18/002190	Land North Of Quinton Road Sittingbourne	913	201	193
SW/17/005711	Land at Wives Lane, Borden (S106)	675	0	0
SW/16/007689	Land between Fregal Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		6,798	1,252	771
This development		1,038	67	211

Assessment summary

Details	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	-92	-121	-276	-392	-437	-570	-569	-561	-582	-533	-367
Expected pupil yield from new developments	771	771	771	771	771	771	771	771	771	771	771
Surplus / (deficit) capacity including the expected pupil yield from new developments	-863	-892	-1,047	-1,163	-1,208	-1,341	-1,340	-1,332	-1,353	-1,304	-1,139
Expected pupil yield from this development	211	211	211	211	211	211	211	211	211	211	211
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-1,074	-1,103	-1,258	-1,374	-1,419	-1,552	-1,551	-1,543	-1,564	-1,515	-1,349
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	211	211	211	211	211	211	211	211	211	211	211

Background notes:

Pupil forecasts 2022 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

Education Build and Land Contributions

Appendix 1a

Site Name	Land West of Teynham
Reference No.	21/503906
District	Swale

	Houses	Flats	Total
Unit Numbers	1036	68	1104

Primary Education			
		Per house	Per flat
Primary pupil generation rate		0.28	0.07
New Primary Pupils generated from this development			295
New Primary School build contribution			
	per Pupil	per House	per Flat
New Build Rate	£25,289.80	£7,081.20	£1,770.30
Contribution requested towards New Primary School Build			£7,456,503.60

Secondary Education			
		Per house	Per flat
Secondary pupil generation rate		0.20	0.05
New Secondary Pupils generated from this development			211
New Secondary School build contribution			
	per Pupil	per House	per Flat
New Build Rate	£27,935.95	£5,587.19	£1,396.80
Contribution requested towards New Secondary School Build			£5,883,311.24
New Secondary School site contribution			
Residential Land Price per acre for Swale			£688,093
	Pupils	Hectares	Acres
6FE Secondary School	900	8.00	19.768
	per Pupil	per House	per Flat
Land Rate	£15,113.58	£3,022.72	£755.68
Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by			
Contribution requested towards New Secondary School Site			£3,182,924.16
Total Secondary Education Build and Land contribution			£9,066,235.40

Special Education Needs			
		Per house	Per flat
SEN pupil generation rate		0.0110	0.0027
New SEN Pupils generated from this development			12
New Special Educational Needs build contribution			
	per Pupil	per House	per Flat
New Build/Expansion Rate	£50,893.35	£559.83	£139.96
Contribution requested towards New SEN School Build			£589,501.16

Notes

Costs above will vary dependant upon land price at the date of transfer of the school site to KCC
Totals above will vary if development mix changes and land prices change

Appendix 3B - Communities' Assessment

**Communities Assessment Report
Appendix 2**

**KCC Communities
Development Contributions Assessment**

Site Name	Land West of Teynham
Reference No.	21/503906
District	Swale
Assessment Date	30/05/2024
Development Size	1,250
Non-Applicable Dwellings (under 56sqm GIA)	146

COMMUNITY LEARNING & SKILLS (CLS)	
<p>CLS generally operates from one central location per district owned by KCC. Many practical courses require resources (e.g., potter's wheels, kilns, stained glassing making equipment) that are not portable. Locations per district can be found on the Kent Adult Education website.</p> <p>Provision of general courses (such as modern foreign languages, Maths, English and ESOL) are at capacity within these main centres. To increase capacity, CSL operates an outreach programme to bring services directly to communities: new developments will be required to contribute towards the cost of equipment and resources.</p> <p>There is currently physical capacity within the hubs for specialist courses. However, increased enrolments will place additional demands on IT, learning technology and other equipment. New developments will also be expected to contribute towards this.</p>	
New adult participation from this development	55 clients
Contributions requested from this development	£34.21 per dwelling
<i>1250 dwellings from this proposal</i>	£42,762.50
Contributions requested towards additional equipment and resources for Adult Education Centres and outreach provision serving the development.	

INTEGRATED CHILDREN'S SERVICES - YOUTH / EARLY YEARS SERVICE	
<p>Historically, services for children and young people have been delivered from a static facility, typically youth/children's centres. The level of growth planned for each district will see the majority of development taking place away from the main hubs. To increase capacity and provide for the additional need created by new developments, much of the Youth/Early Years Services will be provided via Mobile/Outreach work. This will enable services to be delivered in the vicinity of new developments, increasing the likelihood of children, young people and parent/carers engaging with them. Therefore, all development will be expected to make contributions towards equipment and resources to enable Mobile/Outreach work to take place.</p> <p>For expansions and enhancements of youth hubs and children's centres, including provision of specialist equipment and resources to increase capacity, this will be determined on a case-by-case basis, to mitigate the impact of growth. District provision will be assessed, and contributions requested where there is a project.</p>	
New Youth/Early Years Service participation from this development	152 clients
Contributions requested from this development	£74.05 per dwelling
<i>1104 dwellings from this proposal</i>	£81,751.20
Contributions requested towards additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development.	

LIBRARIES, REGISTRATIONS AND ARCHIVES (LRA)	
<p>New developments will place additional demands for both physical (hard copy) books and digital (eBooks/E-Audio) stock. The National Library Standard upper threshold recommends 1532 items per 1000 population; where stock levels are below this, contributions will be sought.</p> <p>Library capacity has historically been based on Museums, Libraries and Archives (MLA) recommendation of 30sqm per 1,000 population – KCC does not currently meet this standard and has no plans to increase the number of libraries in Kent (the possible exception is the provision of new space on strategic sites/garden communities). In most cases, it will seek instead to meet the need generated by new growth by:</p> <ul style="list-style-type: none"> • Improving existing facilities • Refits and reconfiguration • Intensification of use 	
Library bookstock items per 1,000 population for Swale (Dec 2022)	669
<i>Target: National Library Standard bookstock items per 1,000 population (upper threshold)</i>	1,532
New borrowers from this development	318 borrowers
Contributions requested from this development	£62.63 per dwelling
<i>1250 dwellings from this proposal</i>	£78,287.50
Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Sittingbourne.	

Net contributions requested for KCC Communities' Services	£202,801.20
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Appendix 3C – Social Care

**ADULT SOCIAL CARE ASSESSMENT REPORT
APPENDIX 3**

Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Site Name	Land West of Teynham
Reference No.	21/503906
District	Swale
Assessment Date	30/05/2024
Development Size	1,250

Net Social Care contributions requested:	
Social Care and Health Services	£226,100.00
<p>Kent County Council has statutory* responsibilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.</p> <p>To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.</p> <p>Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.</p> <p>The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.</p> <p><i>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</i></p> <p>* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005</p> <p>**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</p>	

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	<i>Assistive Technology systems and Home Adaptation Equipment are delivered to vulnerable adults in their own homes, enabling them to: live with the confidence that help is available when they urgently need it and to remain independent in their own homes.</i>
B. ADAPTING COMMUNITY FACILITIES	<i>Adapting Community Facilities to be accessible for those with both mental and physical disabilities means vulnerable adults can access other support services and facilities safely and comfortably.</i>
C. SENSORY FACILITIES	<i>Sensory facilities use innovative technology to provide a relaxing or stimulating environment for people of all ages with sensory impairment conditions. The facilities may be used to calm stress and anxiety, or to encourage sensory development and social engagement.</i>
D. CHANGING PLACE	<i>Changing Places have additional features than standard accessible toilets to meet the needs of people with a range of disabilities and their carers. These toilets are usually located in or near a popular public area to ensure suitable facilities are available for use by vulnerable adults when necessary.</i>
E. SPECIALIST CARE HOUSING	<i>Specialist care housing includes extra care accommodation and other care living accommodation for those clients with special requirements. These requirements include but are not limited to, the elderly and those with physical and learning requirements.</i>

New Social Care Clients generated from this development:	116 client(s)
<i>Forecast SC clients generated from ALL proposed developments within the District (up</i>	1,511 clients
Contributions requested from this development	£226,100.00
Contributions requested towards Specialist Housing in the District, Assistive Technology & Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.	

Note: These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

Appendix 3D - Waste Assessment

Development Contributions Assessment over the planning period 1/1/2021 to 31/12/2030

Site Name	Land West of Teynham
Reference No.	24/500081
District/Area	Swale
Assessment Date	30/05/2024
Development Size	1,250

Net Waste contributions requested:

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, meaning that it is responsible for the receipt and onward processing/disposal of household waste, providing Waste Transfer Stations (WTS), Household Waste Recycling Centre Services (HWRC) and monitoring closed landfills. Kent residents make approximately 3.5 million visits to HWRCs per year and each household produces an average of a 1/4 tonne of waste to be processed at HWRCs, and 1/2 tonne to be processed at WTSs annually. Kent's Waste Management services are under growing pressure with several HWRCs and WTSs over operational capacity (as of 2020).

In accordance with the Kent Waste Disposal Strategy 2017-2035, contributions may be sought towards the extension or upgrading of existing Waste facilities, or towards the creation of new facilities where a proposed development is likely to result in additional demand for Waste services. Existing Waste services will be assessed to determine the available capacity to accommodate the anticipated new service demands before developers are requested to contribute to additional provision. The proportionate costs of providing additional services for households generated from the proposed development are set out below:

A. WASTE TRANSFER STATIONS (WTS)	
<i>Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.</i>	
1. Applicable dwellings from this development	1,250
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	70,100
3. Overall cost of increasing capacity for 70,100 new dwellings by 2030	£9,963,313.00
4. Cost per new dwelling (£9,963,313 / 70,100 new homes)	£142.13
Contributions requested from this development	£142.13 per dwelling
1,250 dwellings from this proposal	£177,662.50
Contributions requested towards Sittingbourne WTS	

B. HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)	
<i>Additional households increase queuing times and congestion at HWRC's and increase throughput of HWRC waste.</i>	
1. Applicable dwellings from this development	1,250
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	64,200
3. Overall cost of increasing capacity for 64,200 new dwellings by 2030	£3,338,400.00
4. Cost per new dwelling (£3,338,400 / 64,200 new homes)	£52.00
Contributions requested from this development	£52.00 per dwelling
1,250 dwellings from this proposal	£65,000.00
Contributions requested towards closer of Sheerness, Sittingbourne or Faversham HWRC	

Net Contributions requested for KCC Waste from this development	£242,662.50
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*** Estimated**

Note: These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

4. **Minerals and Waste**

The County Council, as Minerals and Waste Planning Authority, provided the following response direct to the Borough Council on 30 August 2024 (Appendix 4A).

Appendix 4A – Minerals and Waste Planning Authority Response

From: Bryan.Geake@kent.gov.uk
To: Planning Support
Subject: Application No: 21/503906/EIOUT Location: Land To The West Of Teynham
London Road Teynham Kent Proposal: Northern Site
Date: 30 August 2024 14:18:18

Dear Matt Duigan

Application No: 21/503906/EIOUT Location: Land To The West Of Teynham London Road Teynham Kent Proposal: Northern Site -Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) nonresidential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

RE: 21/503906/EIOUT Mineral Safeguarding

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above reserved matter application.

I will confine my comments to the submitted mineral assessment (MA) that addresses the land-won mineral safeguarding issues that is dated 3 July 2024. The MA identifies in area B.A, an area of c.5 ha as containing 2-3m of potential brickearth (c.100-150,000m³), this would equate to some 160-240,000 tonnes of brickearth. This would be in the order of magnitude likely to be viable for prior extraction. The MA states that any prior extraction would be difficult in terms of its effect on flood risk and is to be retained as open space. There are also PROW on the east and west boundary, stand-offs to these would, it is asserted, would further impact on Brickearth extraction viability.

For area B.B the MA does not quantify the potential Brickearth reserves, but identifies them as being 'in the majority', though comes to the view that due to a high incidence of archaeological remains and states:

"The parameter plans for the outline application have excluded the majority of the area in the southern central part of the Site where the possible Neolithic causewayed enclosure was identified through the geophysical survey. This will preserve the monument in situ beneath an area of greenspace where no development works will take place This area may require some very limited archaeological evaluation to determine the exact nature of this feature and to aid the production of a management

plan. The need for and scope of any evaluation would be in discussion with the archaeological advisor at KCC. A small section of the enclosure lies within the route of the road and this will be subject to assessment and mitigation.”

The overall conclusion of the MA is that any prior extraction would be ‘unlikely’ in the next ‘10 years’ based on the following:

- There is adequate supply of brick earth to the works at Smeed Dean from the operator’s permitted reserves of c. 900kt (in 2019) at Paradise Farm*
- Recent downward trends in clay sales and construction have depressed the demand for brick clay*
- Prior extraction and stockpiling of clay for use when further clay reserves may be required is not feasible at the brickworks due to space constraints, and would require further land either within or outside of the proposed scheme*

Firstly, the extant reserves at the permitted Paradise Farm site are an irrelevant consideration, to consider them is to undermine the whole mineral safeguarding system. Extraction at Paradise Farm could be halted to allow a prior extraction event at the application site, and depending on storage space availability, the potential reserves of usable Brickearth could be extracted in far less time than ‘10- years’. The reduction in sales is not supported by any evidence and is therefore not considered as relevant. The lack of stockpiling space may or may not be an issue, no third-party evidence has been presented. Moreover, the presence of archaeological features in either area B.A and B.B in themselves may not be an incompatible with a prior extraction of the Brickearth. As a full evaluation is required, if there were to be no significant archaeological issues that require the land to be ‘undisturbed’ a mineral prior extraction event could occur. Therefore, it can be said that the matter is not fully resolved.

The matter of phasing and timescales may be a relevant consideration given that it is very likely that a substantial prior extraction event would cause some delays over otherwise what would happen. This is a far more reasonable matter to argue, and may satisfy exemption criterion 3 of Policy DM 7, that states:

3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or

There may well be both a worst case and a least delaying set of issues in any prior extraction scenario, dependant on such matters as archaeological evaluation and its consequences, available stockpile space to accommodate Brickearth materials and rates of Stock Brick production at the Smeed Dean works (Wienerberger Ltd). These are all relatively unknown, apparently, though even a least worst case scenario may cause delays to the proposed development that may be sufficient to argue that exemption criterion 3 can be invoked, and thus the proposed development be exempt from further mineral safeguarding consideration.

I hope the above is helpful in your determination of the proposal the County Council regards the ability of the determining authority to invoke the above exemption as possible, but not proven, if you would wish to discuss any of the above further, please do not hesitate to contact me.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI

Bryan Geake | Principal Planning Officer | Minerals and Waste Planning Policy | Growth, Environment and Transport | Kent County Council First Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX | Telephone: 03000 413376 | www.kent.gov.uk/planning

5. Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority, provided the following response direct to the Borough Council on 20 September 2024 (Appendix 5A).

Appendix 5A – Lead Local Flood Authority Response

Matt Duigan
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX
Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SBC/2021/086016
Date: 20 September 2024

Application No: 21/503906/EIOUT

Location: Land To The West Of Teynham London Road Teynham Kent

Proposal: Northern Site -Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2 floorspace, and Public Houses (Sui Generis)). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority understand that further documentation has been submitted to Swale Borough Council since our previous consultation response (09/04/2024). Two drawings of relevance to the LLFA's statutory requirements are the Conceptual Surface Water Management Plan sheet 7 (18-023-7307- A) and the Mitigation of Dry Valleys Management Plan Sheet 7 (16-023-7315). These drawings are understood to be derived around the potential flow path north of the A2 retaining the existing route.

With no further information relating to potential management of flow paths and surface water drainage being submitted in this round of consultation, our previous comments are still considered relevant. These have been expanded and are included below:

1. The LLFA note from the Surface Water Drainage Strategy reports that there are two main surface water flow paths that pass through the site and have been labelled as dry valleys. This is under the assumption that these features are only active upon the soil being saturated, resulting in runoff. Most of the development parcels are not intended to utilise these features as a discharge destination and will instead have on 2 site soakaways or

basins. Where possible, discharge into the dry valley features should be avoided. With certain parcels proposed to discharge into these features, it is understood that this will be limited to greenfield runoff rates. While discharging at greenfield rates is the accepted approach, there is uncertainty as to the applicable rate to use. The Executive Summary indicates that the 1 in 100 year calculated rate of 3.1 l/s/ha will be used. The LLFA request for either the 1 year or Qbar rates (0.82 or 0.96 l/s/ha) to be applied instead. This is to ensure that the runoff rates are not increased over the existing situation.

2. As mentioned within point 1, any discharges into these "dry valley" features should be limited in discharge rate. Additionally, consideration of volume is needed because of higher runoff occurring from developed areas and the subsequent drain down/ discharge period being extended.

3. It is understood that the extent and route of the existing dry valleys (surface water flood risk) would have to be changed to facilitate the development. This is proposed to be undertaken as part of further detailed design work or at future reserved matters stages. The LLFA views it as crucial that these features do not become "squeezed," which would result in an increase in the velocity of flows, particularly through parcels R08 to R11 and SP01. The flow paths should be managed within wide open-space areas that encourage dissipation and infiltration. Further work will be needed upon better understanding of the parcel layouts. This may also require modelling to demonstrate functionality.

4. The proposed rerouting of the northern portion of the western flow path would occur outside of the redline boundary. It is our view that the redline boundary is extended to cover these proposed works along the flow path.

5. With residential housing proposed for numerous parcels, the LLFA would view that urban creep should be applied, particularly for those areas discharging into the Dry Valley features. The factor or level to apply would depend upon the density of housing proposed. The LLFA would accept that this be applied by parcel as opposed to the entire site.

6. With the extensive nature of the development area proposed, further ground investigations will be required that demonstrate the suitability of infiltration within each parcel. These investigations should also consider the depth of groundwater to ensure an appropriate separation distance is maintained.

7. With the Surface Water Drainage Strategy (May 2021) and application being submitted back in 2021, the old climate change allowance of 40% was applied to the 100 year return period storm scenarios. As per the latest guidance that was published in 2022, an higher allowance of 45% is required for the Upper end allowance.

In view of no additional drainage details being provided and no confirmation that our points raised above have been accepted, we will include these requirements to be provided as part of planning conditions. Therefore, should the Local Planning Authority be minded to grant planning permission, the LLFA would request the following conditions be attached:

Condition:

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) that shall demonstrate:

- appropriate assessment and integration of the identified surface water flow paths through the development.

- the surface water drainage scheme proposed includes infiltration where possible. Any offsite discharges are limited to no greater than the Qbar (2.3 year return) greenfield rate for the respective draining areas, whilst also considering the potential impacts from volume.
- adequate attenuation for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm within the proposed development layout.

Reason: To ensure the development does not increase flood risk and that it is served by satisfactory arrangements for the disposal of surface water within the layout proposed.

Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site.
- the surface water drainage scheme as set out includes infiltration where possible. Any offsite discharges should be no greater than the Qbar (2.3 year return) greenfield rate for the respective draining areas, whilst also considering the potential impacts from volume.
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

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

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,
Daniel Hoare
Senior Flood Risk Officer
Flood and Water Management

6. Heritage Conservation

The County Council, provided the following response direct to the Borough Council 23 September 2024 (Appendix 6A)

Appendix 5A – Heritage Conservation Response



Mr Matt Duigan
Principal Planning Consultant
Place Services
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Heritage Conservation

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Tel: 03000 413415
Simon.mason@kent.gov.uk

23rd September 2024

BY EMAIL

Dear Matt

21/503906/EIOUT – Highsted Park Northern Site, Land to the West of Teynham, London Road, Teynham, Kent. Outline Planning Application for the phased development of up to 97.94 hectares

Thank you for your consultation with respect to the updated and amended information concerning the above major application on land to the West of Teynham and principally north of the A2, London Road. I note that development proposals have also been updated and amended for the Highsted Park Southern Site application (21/503914/EIOUT) for which I will send separate advice.

I provided a previous response to you on the 19th July 2024 which the latest submission has responded to.

July 2024 Recommendations

In my July 2024 response I advised that the:

“lack of evaluation has limited a detailed understanding of the application site’s archaeological and geoarchaeological potential. The nature, dating and significance of the archaeological assets has not been established and therefore the potential impacts of development on the significance of archaeological assets is not understood in sufficient detail.”

And that

“Based on our present understanding from the desk-based assessment and survey work we consider that the application site includes archaeological remains or the potential for yet undiscovered archaeological remains and geoarchaeological deposits that are of high significance. In particular, the potential causewayed enclosure hasn’t been evaluated sufficiently to understand its significance and could very well be of national or regional importance and merit consideration for preservation.”

The National Planning Policy Framework paragraphs 209, 207, 208 and footnote 72 were referenced and I advised that:

“It is our view that in its present form the application will result in partial loss of the potential causewayed enclosure and cause harm, likely substantial harm to a potential nationally important archaeological asset. We therefore object to the proposed development on the grounds of the harm it would cause to the potential causewayed enclosure and recommend that consent be refused in accordance with paragraph 208 of the NPPF. Should the archaeological asset be found to be of lesser importance the planning authority would need to consider the significance of the asset and weigh against the scale of harm caused by the development proposals and a balanced judgement reached.”

I then advised that the above objection could be overcome through the following adjustments and confirmations:

- *adjustment of the Primary Access Route to the west and northwest of the enclosure to ensure that it runs in lower ground west of the slope and its earthwork / cut and any other associated works would fall completely outside of the enclosure (with some buffer). Sections through the proposed road and the hill profile in the area should be provided to confirm that preservation of the enclosure can be achieved.*
- *Adjustment of the edge of the residential / employment parcels (within the field (parcel 4.6 in the geophysics) to achieve a 50m buffer between the enclosure and the residential / employment edge. All development earthworks should fall outside that buffer.*
- *Confirmation that the area of the proposed open space will be left unquarried.*
- *Confirmation that drainage features such as the proposed balancing pond will be removed from the proposals.*

I confirmed that should we be satisfied with adjustments that preserve the whole enclosure (and its internal area) with appropriate margins as a buffer then we are satisfied to leave remaining archaeological evaluation and mitigation to be dealt with in advance of the Tier 2 applications through agreed conditions.

The scope of several conditions that would be required was proposed.

August 2024 Submission

In response to my July 2024 advice the applicant has submitted:

- An Archaeology Response Note for Highsted Park North (Wessex Archaeology, undated).
- Amended Parameter Plans •
Amended Illustrative Masterplans

Referring to the adjustments and confirmations I requested to address my objection the response states (with reference to accompanying appendices) :

“1. The primary access route has been adjusted to preserve the geophysical anomalies in situ. This also maintains a 30m buffer from the geophysical anomalies in most places except where this had to be reduced to 20m to maintain a practical alignment of the road and maintain the junction with the A2 as proposed (Appendix 2). These buffers from the road will also include enough space for working areas/easements to be outside of the areas of the geophysical anomalies.

2. The parcels proposed for commercial and residential development on the north western and western side of the geophysical anomalies have also been reduced to allow a larger area of preservation for the potential archaeological remains. The revised parameters maintain a 30m buffer from the geophysical anomalies on the western and north western sides (Appendix 2).

3. The proposals do not include any quarrying within the area of proposed open space. This is confirmed in document 240703_North Area Response to KCC_BM v3 Issue (Appendix 3).

4. The balancing pond locations are indicative only. The detailed drainage strategy that will be required as a condition on the planning permission will not include any SUDS features in the open space.”

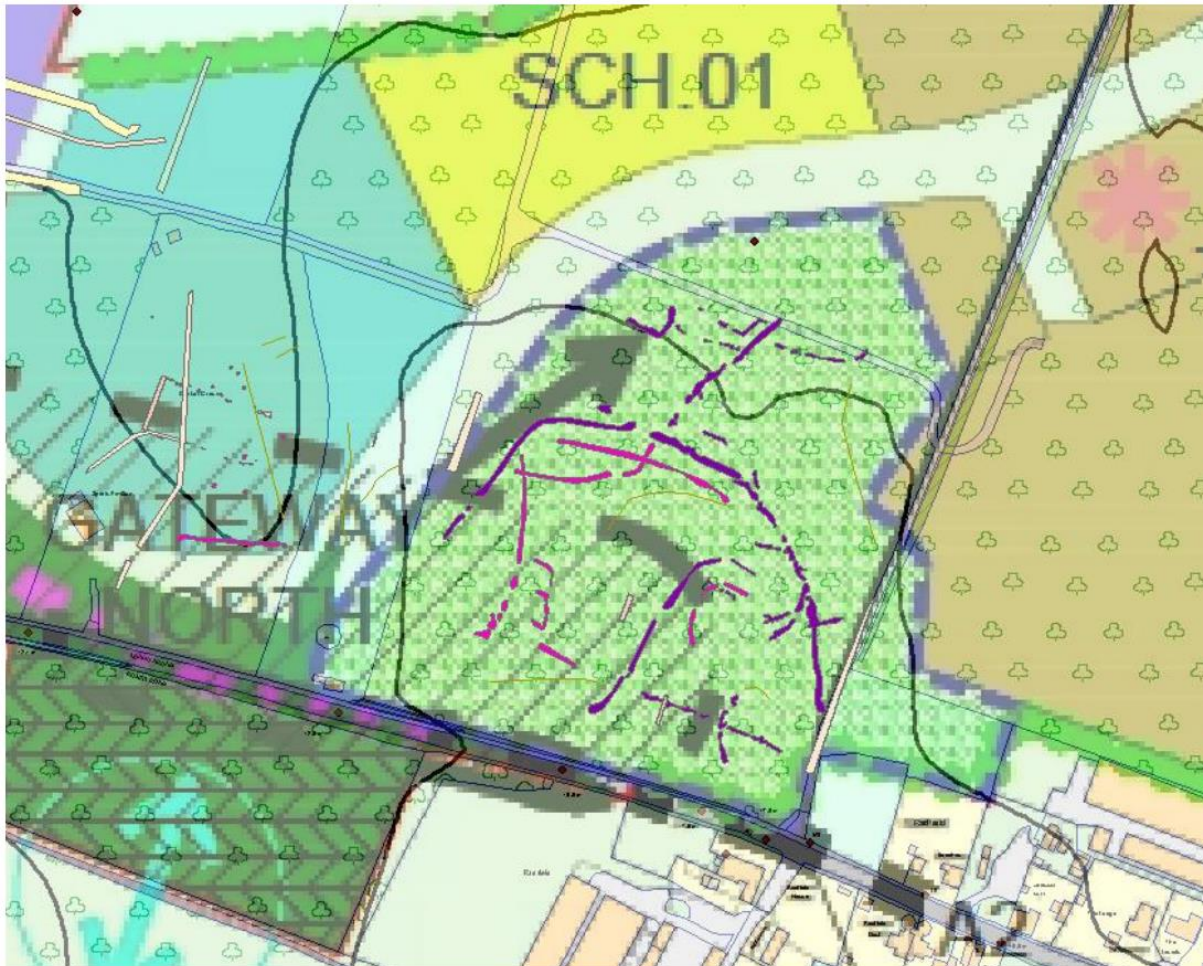
The response also details that:

“The revised parameters have maintained preservation in situ of the potential neolithic causewayed enclosure and possible associated features which extend beyond the enclosure area. In addition, a buffer of 30m has been maintained as a safeguard to allow for features which may exist and be associated with the enclosure, which are in areas that were unsuitable for geophysical survey or not detected through the survey. The exception is a small area of the alignment where the buffer had to be reduced to 20m from the proposed road alignment for practical reasons relating to the alignment of the road and the junction. On the north western and western sides a 30m buffer was able to be maintained allowing for preservation in situ of the enclosure and a 30m buffer for possible associated remains to exist outside of this. The adjustments made preserve the entire enclosure (and its internal area) and appropriate margins as a buffer.”

September 2024 Parameter Plan Amendment

Additionally in response to further discussions the applicant has submitted a further updated parameter plan (2952-412Q) that extends the depicted open space area to be preserved for archaeology towards the A2 boundary and outlines an area to be excluded from the deviation tolerance for the parameters to ensure that archaeology within the proposed open space will not be affected by deviations.

The following figure illustrates the geophysical survey results for the potential causewayed enclosure and associated features plotted on the amended parameters plan.



The features overlaid on to the current illustrative masterplan are also shown below.



Analysis & Recommendations

The revised submission (including the latest update to the Parameter Plan) has sought to address the impacts on the causewayed enclosure and my objection.

The Primary Access Route has been modified and moved further westward and north westward into the lower ground. The proposal does still cut across the raised ground in its north west but this is lower down the slope. While no section drawings have been provided the restrictions on any deviations in the parameter plan will safeguard the enclosure and most of the higher land as open space.

The residential / employment parcels to the east and north east have been pulled back to provide a greater buffer. Though not the 50m proposed the majority will fall within the lower land to the east and north. With the restriction on deviation of parameters ensuring that the remaining open space will not be encroached by works for the residential and employment parameters there is sufficient safeguarding of the archaeology in the open space area. The applicant has confirmed that they do not propose to quarry any of the open space area for brickearth given that the presence of the archaeology to be preserved in the area is a constraint and would also render extraction unviable.

The applicant has confirmed that there will be no SUDS features in the open space as part of their drainage strategy. I am satisfied therefore that the revised submission (including the September 2024 updating of the Parameter Plan has sufficiently addressed my concerns

with respect to the preservation of the area of the causewayed enclosure and **I am now able to withdraw my objection to the development.**

As advised in my July response we are satisfied to leave remaining archaeological evaluation and mitigation in this development area to be dealt with in advance of the Tier 2 applications through agreed conditions.

We advise that should the development be permitted then conditions are required that secure:

- An agreed Archaeological Framework that would need to be in place before the Tier 2 applications and should be site wide in its scope. It should include:
 - a Research Design,
 - Archaeological Model and Statement of Significance
 - an updated Strategy for Archaeological Assessment and Mitigation and that includes the overall coordination of the post excavation and reporting stages, o
 - Strategies for community archaeology & public engagement and heritage interpretation.
- Archaeological evaluation to inform Tier 2 applications. Archaeological evaluation should comprise geoarchaeological and Palaeolithic test pit works and trial trenching of the development impact areas and could include further geophysical survey of areas yet to be surveyed and electrical section of deposits of geoarchaeological significance.
- Archaeological mitigation including preservation in situ measures that may be embedded in the Tier 2 design.
- The safeguarding of the area of the potential causewayed enclosure including fencing during development works and agreement of any landscaping or groundworks within the safeguarded area. A clear plan of the safeguarded area should be agreed prior to consent and secured through the condition. Arrangements for the safeguarded area's ongoing management should be secured in a management plan.
- Community Archaeology & Public Engagement in each phase of development guided by the Archaeological Framework and the results of evaluation and mitigation.
- Heritage Interpretation in each phase of development guided by the Archaeological Framework and the results of evaluation and mitigation.
- Provision for archaeological archives.

I hope the above is helpful and am happy to discuss further including the wording of potential conditions in more detail.

Yours sincerely
Simon Mason

Principal Archaeological Officer

7. **Biodiversity**

The County Council, in respect of Biodiversity matters, provided the following commentary direct to the Borough Council on 20 September 2024 (Appendix 7A).

Appendix 7A – Biodiversity Response



ECOLOGICAL ADVICE SERVICE

TO: *Matt Duigan*

FROM: *Helen Forster*

DATE: *20 September 2024*

SUBJECT: *Land To The West Of Teynham 21/503906/EIOUT*

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

We have reviewed the ecological information and have the following comments to make on this application:

The submitted ecological surveys have detailed the following:

- Area of traditional orchard within the site – considered to be a priority habitat.
- Small areas of deciduous and wet woodland – considered to be a priority habitat
 - 5 ponds within or adjacent to site boundary – one pond assessed to meet the criteria of a priority habitat
- Hedgerows throughout the site – considered to be a priority habitat.
- Stream running through the site – considered to be a priority habitat
 - At least 6 species of foraging bats within the site.
- 1 Building and 8 trees assessed as having roosting bat potential within and adjacent to the site – no emergence surveys have been carried out.
- At least 4 active badger setts recorded (including 1 main set). • Evidence of badgers foraging/commuting within the site.

- Evidence of otter recorded on site
- Potential for brown hares and hedgehogs to be present.
 - 47 species recorded during the breeding bird survey – of which 27 species were breeding or probably breeding and four were possibly breeding within the site
- At least 58 species recorded during the wintering bird surveys
 - Amphibians likely to be present – no evidence that GCN are present.
 - Common lizard and grass snake present

Bat emergence surveys were carried out in 2023 and no evidence of roosting bats were recorded within the site. We have reviewed the bat emergence survey and are satisfied that the survey information is sufficient to determine this application.

We advise that we are satisfied that the proposal provides a good understanding of the ecological interest of the site.

An overarching ecological mitigation strategy has been submitted and indicates that the mitigation will be located within the Country Park and areas of green infrastructure of the site. An updated site visit has been carried out and it has detailed that the site has not significantly changed since the original surveys however there is additional scrub and grassland within the site. The ecological mitigation strategy has not been updated and therefore the submitted report is based on the original survey which (other than the updated wintering bird survey) is based on survey data which is at least 4 years old.

We accept that the principle of the mitigation is still valid however the mitigation strategy will have to be updated and informed by current species surveys if planning permission is granted. We highlight that areas where ecological mitigation will be implemented is also to be used for other purposes such as the provision of SUDS and recreation – in particular we are concerned with the impact of recreation. The report has tried to address this point by detailing that that dedicated amenity areas, informal recreation zones and minimal access zones will be created to try and manage visitors/residents to the site. This information is not available on a parameter plan but instead provided on the BNG habitat plan within the ecological mitigation strategy. We highlight that there is a need to ensure that this division of types of habitats is achievable and can be managed in the long term and we would expect it to be depicted in a parameter plan.

The wintering and breeding bird surveys have confirmed that farmland birds have been recorded on site and some birds (including skylark and turtle dove) cannot be retained on site due to their requirement for open spaces. The report has detailed that Tonge Country Park will be designed to specifically benefit farmland birds but due to the recreational pressure it is unlikely that birds that require open space and minimal disturbance will utilise the site for breeding – although we acknowledge it may be used for foraging. No information has been provided detailing how farmland birds which will not use the development site can be mitigated as part of the proposed development.

The indicative plan suggests that the hedgerows/open spaces will be created / enhanced throughout the built area of the site to achieve connectivity through the site. The submitted information has detailed that the hedgerows within the north and south of the site will be at least 10-30m in width and the greenspace corridor along the relief road would be at least 30-

40m in width. We are supportive of this but there is a need to ensure that this can be implemented and be retained long term.

A Biodiversity Net Gain metric has been submitted and it has detailed that the proposal has an anticipated net gain of up to 30% for habitats. The metric has been produced on a precautionary bases with the majority of habitats proposed to achieve moderate condition and appropriate habitats have been proposed (e.g. natural/species rich grassland only proposed for the country park). In theory we are satisfied that this is achievable but as detailed above there is a need to ensure that any habitat creation will not be negatively impacted by recreational pressure and can be established as intended. If the habitat creation can not be implemented as intended the condition of the habitats established on site will not reach the estimated condition and therefore the anticipated biodiversity net gain will not be achieved.

Habitat Regulations Assessment

We have reviewed the HRA and we advise that subject to the transport, air quality and surface water consultees being satisfied that the assessments used to produced the HRA are accurate we are satisfied no further information is required.

The report has concluded that the proposed could have a negative impact due to recreational pressure and habitat degradation due to air quality on the Swale and Medway Estuary and Marshes SPA and Ramsar site.

The impact on water quality has been ruled out however we advise that SBC must be satisfied that the proposed measures to avoid impacts from surface water run off and sewage on the Swale during construction and operational phase are appropriate. The increase in dwellings from this site and application 21/503914/EIOUT could negatively impact the designated sites.

Recreational Pressure The following mitigation is proposed to mitigate the impact of recreational pressure:

- Enhanced payment to the SAMMS
- Creation of open space within the site.

We advise that we are satisfied that the above measures are appropriate.

Air Quality:

The report has detailed that the impact from air quality when considering the development in isolation is minimal but when considered in combination with application 21/503914/EIOUT it has detailed the following:

- No measurable change to NO_x, ammonia or N deposition along the A299 is expected to occur as a result of the proposed development;

- Along the A249, there would be an exceedance of the relevant critical levels/loads within 25-40m of the road. The majority of this area comprises vegetated highway verges of negligible importance in terms of the SPA/Ramsar;
- In-combination development will result in a moderate increase in pollutant levels at the roadside, and an increase in the area which would experience pollutant levels above the critical level/lower critical load, the maximum extent being +17.1m (relating to the area exceeding the lower critical load for nitrogen deposition relative to the projected baseline scenario);
- Of this area, only 0.68ha comprises saltmarsh or grazing marsh (equating to 0.01% of the total SPA/Ramsar area), located at field margins adjacent to main roads. Given existing conditions, there is unlikely to be any measurable deterioration in vegetation in these areas, whilst such areas are not considered to be suitable for the bird species for which the SPA is designated;
- Beyond this zone, the lower critical load for relevant habitats is not exceeded, such that no significant effect is anticipated, in line with DMRB guidance;
- In any event, grazing marsh, saltmarsh and estuarine habitats are not particularly sensitive to nitrogen deposition, whilst other factors such as management (i.e. grazing intensity) and river/coastal nutrient inputs are likely to be of much greater relevance in terms of suitability of habitats for the interest bird species.

The air quality assessment was considered with regard to an increase in traffic along the A249 due to the proposal. We advise that we are not experts on air quality or transport assessments and we advise that the LPA must be satisfied that the conclusions of the air quality assessment and traffic assessment are accurate.

Suggested Conditions

If planning permission is granted we recommend that there will be the need for the following conditions:

- Lighting designed to minimise impacts on nocturnal animals
- Detailed ecological mitigation strategy – informed by updated surveys
 - Ecological enhancement plan – including integrated enhancement features
- Site wide management plan
- Site Wide Monitoring Plan
- Habitat creation plan

If you have any queries regarding our comments, please do not hesitate to get in touch.

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

Base Line Ecological Appraisal; Aspect Ecology; October 2022

Ecological Mitigation Strategy; Aspect Ecology; October 2022

Updated Walkover Survey Results; Aspect Ecology; July 2024

Greenspace Structuring plan; Milton Studio; March 2021

Habitat Regulations Assessment; Aspect Ecology ; July 2024



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Growth and Communities

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16 October 2024

Dear Matt,

Re: Outline application with all matters reserved for a proposed development at land south and east of Sittingbourne, Kent [application reference: 21/503914/EIOUT]

Thank you for consulting Kent County Council (the County Council) on the outline planning application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of: up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3); up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace; up to 15,000 sq m / 1.5 hectares for a household waste recycling centre; mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)); open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works.

The County Council notes that this application has been submitted alongside a related proposal for land to the west of Teynham Road (reference 21/503906). A separate response is being made in respect of that application, and where appropriate, the cumulative impact of these two applications is considered. Commentary will make it clear where this is the case.

The County Council draws reference within this response to the prior responses submitted in respect of this planning application, and the related land to the west of Teynham Road application – these responses were provided on 30 November 2021, 1 March 2023 and 27 June 2024 and are available on the planning application portal for reference.

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

- Inadequate information has been submitted to satisfy the Local Highway Authority that a satisfactory means of access to the site can be achieved.
- Inadequate information has been submitted to satisfy the Local Highway Authority that the existing road network in the vicinity of the site has sufficient capacity to accommodate the material increase in traffic likely to be generated by the proposed development.
- Inadequate information has been submitted to satisfy the Local Highway Authority that the impact of the proposed development can be adequately mitigated.
- The changes made to the application do not reflect prior comments or advice from the County Council as Local Highway Authority responsible for the Public Rights of Way Network. The amendments / additional information do not alter the significant adverse impact on the recorded PRow Network. . The severity of the impact on the PRow Network remains underestimated and the application does not reflect the importance of the local access network and the quality of the user experience and amenity value. The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, timescale of overall development, construction traffic, noise, visual intrusion, and loss of tranquillity, all contribute to the quality of the user experience inherent in a recreational walk or ride.
- Without further archaeological evaluation as previously advised by the County Council, an objection is raised on the grounds of the potential harm to archaeological remains.

The County Council has reviewed the application in its entirety and has an extensive commentary to raise in response to the proposal, set out clearly below, in a subject chapter format. The County Council is disappointed to note that matters raised during earlier consultations have not been addressed and the County Council therefore maintains its objection to the scheme on the grounds as set out above.

The County Council will continue to work closely with the Borough Council to help ensure the delivery of new housing and infrastructure in response to local needs – delivering sustainable growth for the Swale Borough.

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

Yours sincerely,



Stephanie Holt-Castle
Director – Growth and Communities

Contents

1. Highways and Transportation	5
Introduction	5
Technical Note 16-023-036 Rev A	5
Transport Impact Assessment.....	6
Mitigation Proposals.....	9
Highway Infrastructure Proposals	11
Sustainable Transport Strategy.....	11
Conclusion	12
Informatives:.....	14
Public Transportation	16
2. Public Rights of Way	17
3. Development Investment.....	19
Request Summary	19
Justification for Infrastructure Provision/Development Contributions Requested	22
Primary Education.....	23
Applicant’s Proposal – Primary School Sites/Indicative Locations / Phasing	23
Anticipated Phasing of School Builds.....	24
Nursery and Pre-School Provision	25
Special Education Needs and Disabilities Provision	25
Secondary School Provision	26
Anticipated Delivery of Secondary School	27
Community Learning and Skills.....	27
Integrated Children’s Service – Youth Service/Early Years Service.....	28
Library, Registrations and Archives Service.....	28
Adult Social Care	28
Community Buildings	29
Potential provision of care homes/extra care	29
Supported Living Accommodation.....	30
Waste.....	30
Implementation.....	31
Appendix 3A - Education Need Assessment / Education Land Assessment ...	32
Appendix 3B - Communities’ Assessment	36
Appendix 3C – Social Care Assessment.....	38
Appendix 3D – Waste Assessment.....	40
4. Minerals and Waste.....	42

	Appendix 4A – Minerals and Waste Planning Authority Response	42
5.	Sustainable Urban Drainage Systems	46
	Appendix 5A – Lead Local Flood Authority Response	47
6.	Heritage Conservation	50
	Appendix 6A – Heritage Conservation Response	51
7.	Biodiversity	54
	Appendix 7A – Biodiversity Response	55

1. Highways and Transportation

Introduction

From the start of considering the initial submission of the planning application in August 2021, the County Council Highways and Transportation has provided a series of technical responses spanning the numerous rounds of consultation requests that followed the submission of amended plans or additional information. These will provide the reference to detailed technical commentary on the matters raised on behalf of the Local Highway Authority thus far.

To respond to the last comments made by the County Council in the consultation response dated 26th June 2024, the applicant has now submitted a Technical Note (document reference 16-023-036 Rev A). This has been prepared to specifically address the points of clarification requested by the County Council Highways and Transportation. In particular, it is appreciated that the document should be read in conjunction with the Transport Assessment dated September 2022, as the Technical Note provides clarification on the queries raised regarding the traffic modelling that was contained in the earlier document.

The County Council would therefore comment as follows on the suite of information that has been received:

Technical Note 16-023-036 Rev A

The Technical Note (TN) submitted by the applicant has provided responses to each of the “Actions” that were raised in the highway section of the County Council’s comments dated 26th June 2024. A review of the TN has enabled the County Council to confirm the following matters:

Highway Network Modelling

The information provided has enabled the County Council to confirm that the Base and Reference Case models used to assign traffic across the highway network have been constructed appropriately. The SWECO base model used to build the future year scenarios had been agreed by the County Council and Swale Borough Council previously as part of the emerging Local Plan evidence, and the tables in the TN that summarise a number of quoted link flows from the base model have now corrected the errors that were noted in the TA.

Further details have also been provided to confirm that the future year scenarios with and without the development each include the correct list of committed highway infrastructure.

However, the County Council is concerned that the Development model and TA do not provided sufficient detail to fully consider the impacts on the local highway network. While the Development model assumes a limited number of strategic connections to the existing highway network for modelling purposes, the scale of the development does cover a large

geographic area. Due to the area covered and the number of minor/rural lanes crossing into the site, many other potential vehicular connections could be made. This has the potential to draw traffic through local rural lanes and villages beyond the application site. Without any assessment of the distribution of traffic routing through these lanes, it is not possible to appraise the impact on the highway network.

Accident Data Analysis

Sufficient detailed information of the accident data from the latest five year period available has now been provided and an assessment carried out to identify any clusters or patterns that would warrant mitigation. The study area has focused on junctions where the development would have a net impact of 30 or more vehicles in the peak hours, or where local context deemed it appropriate. Of the relevant 25 junctions identified within the study area, only a small number of these indicated any clusters that might suggest an issue with the existing highway layout;

- *A249/B2006 Bobbing Interchange* – 17 collisions were recorded at this junction but the locations were evenly spread around the interchange. The only pattern apparent were rear end shunts, which is a common occurrence with roundabouts and can be attributed to poor driver attention rather than a design problem. This level of occurrence can be expected at a major junction of this size and activity, and not likely to be exacerbated by modest increases in traffic flows. Additionally, it is noted that this junction is due to be upgraded as part of the NW Sittingbourne development, reference 18/502190.
- *A2/M2 Brenley Corner* - A cluster of incidents were identified around the A2 East entry to M2 West. It is noted that the development is only expected to give rise to around a 1% increase in that movement, but in any case, National Highways is the Highway Authority with jurisdiction over the junction and would comment on this aspect.

It is therefore agreed that the collision data does not identify any pattern of incidents that would require addressing by the development.

Junction Modelling Selection

In addition to the junctions modelled in the TA for capacity assessment, the TN now includes revised modelling of two previously assessed junctions that have improvement schemes committed or that are currently being built.

Transport Impact Assessment

In light of the information provided in the TN that has now enabled the County Council to generally agree the traffic flows from the strategic model outputs, the relevant details from the previous TAs can be reviewed together with the additional junction capacity assessments provided to consider the Traffic Impact Appraisal. As has been highlighted previously, the traffic modelling assumes the delivery of infrastructure delivered by this application as well as that of the linked application north of the A2, reference 21/503906/EIOUT, which would deliver the Sittingbourne Northern Relief Road (SNRR). As

21/503906/EIOUT has yet to be consented, 21/503914/EIOUT cannot be consented in isolation, and would need to be tied to the delivery of the SNRR.

Traffic Link Flows

Comparing the 2038 Reference Case model with the 2038 Development model, it can be seen that delivery of the Sittingbourne Northern Relief Road (SNRR) and a Sittingbourne Southern Relief Road (SSRR) results in a general reduction in two-way traffic flows around Sittingbourne town centre and the majority of its road network, including the A2 west of the site through to Key Street. The A2 east of the site between Teynham and Brenley Corner would also see a neutral or reduction in traffic flows. Of note are significant reductions on the Lower Road/Tonge Road corridor, the A2 through Bapchild, and routes north of the A2 in Sittingbourne to the commercial areas at Eurolink.

The exceptions are Swale Way, the A249 between Bobbing and Grovehurst, Woodstock Road, Gore Court Road, Adelaide Drive, Ruins Barn Road. In addition in the PM peak hour, Rectory Road to Highsted Road and the A2 between Key Street and Newington also see large increases in traffic volumes.

Local Junction Testing

The suite of junction capacity assessment outputs gathered from the TN and TA now available indicates a number of junctions within the study area that will be exceeding desirable capacity in the Reference Case Model. These being:

- A249/Swale Way
- Castle Road/Dolphin Road
- A249/B2006 (Bobbing)
- A2 – The Mall/A251 Ashford Road
- Woodstock Road/Cromer Road/Tunstall Road
- Woodstock Road/Bell Road/Gore Court Road
- Park Road/Gore Court Road/Ufton Lane
- Eurolink, Mill Way
- Eurolink/Milton Road
- A2/Western Link
- A251/M2 eastbound
- A251/M2 westbound
- A2/Wises Lane
- A2/Borden Lane
- A2/Chalkwell Road
- A2/Rectory Road
- A2 Faversham Road

The Development model junction assessments show that the introduction of proposed infrastructure from both applications (SNRR and SSRR) with associated development brings a noticeable improvement in the performance of those within Sittingbourne town centre, Eurolink/Murston and the A2 corridor between Teynham and Brenley Corner.

However, the TN and tables 6.5 and 6.6 in the TA do also indicate that a number of the junctions listed above would deteriorate further, and a number of additional junctions would now exceed the desirable capacity. While several junctions from the list would continue to be over capacity, many of these show an improvement in performance or little change, so the development would not be required to mitigate these. These tables therefore suggest that only the following junctions would require mitigation:

- Woodstock Road/Cromer Road/Tunstall Road
- Woodstock Road/Bell Road/Gore Court Road
- Swale Way/Barge Way
- Swale Way/Ridham Avenue
- Swale Way/Castle Road
- Swale Way/Bingham Road
- A2/Faversham Road
- A2/Chalkwell Road
- A2/Church Lane

Appendix D of the TA dated September 2022 discusses these local junction assessment results and concludes that measures to mitigate the impact of the proposed development would need to be investigated. It is appreciated that some drawings had been produced to indicate potential schemes at Woodstock Road/Bell Road, Woodstock Road/Tunstall Road/Cromers Road, Swale Way/Barge Way, Swale Way/Ridham Avenue and Swale Way/Bingham Road, and further junction capacity modelling has been provided for these schemes to demonstrate that they would provide sufficient mitigation.

However, no potential improvement schemes have been presented at the remaining junctions as follows;

Swale Way/Castle Road – The junction modelling indicates that the Swale Way (West) arm would be approaching theoretical capacity in the development scenario, with queues doubling to around 15 vehicles in the AM peak hour. The TA suggests that this is within daily variation of traffic and no mitigation is required. The County Council disputes this and considers that mitigation should be investigated.

A2/Faversham Road – Section 3.2.4 of appendix D TA dated September 2022 states that improvements to the junction need to be investigated in order to mitigate the impact of the proposed development.

A2/Chalkwell Road – The text of the TA suggests that the impact of the development would be inconsequential at this junction. The modelling results show that the queue on the A2 East arm would increase from 3.2 passenger car unit (pcu(s)) to 8.8. As this would exceed the vehicle storage within the right turn filter lane, vehicles would therefore block the through lane. The County Council considers that mitigation should also be required at this junction to address this.

A2/Church Lane – Table 3.2 of appendix D indicates that it has compared different arms of the A2 at this junction between the Reference Case and the Development model. However, the PM peak does show shows a queue of 25 passenger car units with development, compared to 8 pcus in the reference case. The TA has not indicated whether mitigation

should be investigated but the County Council would conclude that it is as this would appear to be a lengthy queue within Newington village.

Junction Testing (Proposed Infrastructure)

Junction capacity assessments for the proposed infrastructure associated with the proposed SNRR and SSRR have been carried out and the results presented in the TA and appendix D indicate that junctions X, R, G, D and B would either be over desirable capacity or have exceeded theoretical capacity in the 2038 With Development scenario. It has been suggested in the TA that further design refinements should be undertaken during the next planning stage to address this where necessary. However, the County Council would consider that the application demonstrates at the current stage that the refinement can be achieved, given the sensitivity of the interaction with the A2.

Mitigation Proposals

As noted above, only some of the junctions that have been identified as requiring mitigation, either by the applicant or additionally by the County Council, have been progressed far enough through the TA to provide proposed mitigation schemes. It is therefore considered that insufficient evidence has been submitted to demonstrate that appropriate mitigation can be provided, but the following comments can be made on those schemes that have been submitted:

Swale Way/Barge Way

With development, the junction is expected to operate close to maximum capacity. The mitigation scheme proposed widens the approaches to increase capacity, and the modelling indicates that the junction would then operate close to desirable capacity with a queue of under 8 pcus on both of the Swale Way arms in the AM peak hour. A queue of 7 pcus is predicted on the southern arm only during the PM peak hour. This level of queueing is considered acceptable.

Swale Way/Ridham Avenue

With development, the southern Swale Way arm of the junction is expected to operate close to maximum capacity in the AM peak hour. The mitigation scheme proposed widens the approach on the southern arm to increase capacity, and the modelling indicates that the arm would then operate close to desirable capacity with a queue of 7 pcus. This level of queueing is considered acceptable.

Swale Way/Bingham Road

With development, the southern Swale Way arm of the junction is expected to operate close to maximum capacity in the AM peak hour and the northwestern Swale Way arm is expected to operate close to maximum capacity in the PM peak hour. The mitigation scheme proposed widens their approaches to increase capacity, and the modelling indicates that the arms would then operate close to desirable capacity with queues of 7 pcus. This level of queueing is considered acceptable.

Woodstock Road/ Cromer Road/Ruins Barn Road/Tunstall Road

As has been noted above, the Woodstock Road/Ruins Barn Road corridor is expected to draw a significant level of traffic through it due to the development proposals, with around an additional 650 two-way movements along Woodstock Road in the AM peak hour and almost 800 in the PM peak hour. Modelling shows that the junction would expect queues in the AM peak hour of 128 pcus on Tunstall Road and 129 on Cromer Road. While no queues are shown on either Woodstock Road or Ruins Barn Road, it is not considered that the modelling is validated as queues are evident currently due to the restricted width and on-street parking along Ruins Barn Road.

The proposed mitigation at this junction would be to signalise the operation of it and introduce additional roadspace. However, it is noted that the carriageway widening around the junction would reduce the footway widths down to around 1.8m on the radius of Tunstall Road, and on the eastern side of Woodstock Road. Given the pedestrian activity at this location associated with Tunstall Primary School, the County Council has concerns with the impact this may have on active travel.

Despite the proposed widening of Ruins Barn Road to accommodate the right turn filter for turning movements into Cromer Road, the layout does not account for the existing on-street parking that would restrict the southbound carriageway. It has therefore not been demonstrated that the layout would be able to operate as per the modelling in reality without the removal of the on-street parking, or how that would be mitigated.

Notwithstanding the above, the capacity assessment of the mitigation scheme does still show that all arms apart from Ruins Barn Road would still exceed capacity in the AM peak hour. Woodstock Road would have a queue of 80 pcus and the other arms each around 25 pcus. In the PM peak hour, all arms would be approaching practical capacity and both Ruins Barn Road and Woodstock Road would have queues of around 50 pcus. This level of congestion is not considered appropriate, and the mitigation cannot be agreed at this time.

The TN suggests that this congestion can be used as demand management for the corridor. However, without further proposed measures to model the changes in distribution around the network to avoid this corridor, the impact on other routes and junctions cannot be assessed. It therefore considered that insufficient information is provided to enable an assessment of this.

Woodstock Road/ Bell Road/Gore Court Road/Park Avenue

Based on the above assessment, this junction has been identified in the TA as requiring mitigation due to worsening of congestion with the development in the 2038 future year model scenarios.

As with the previous revision of the improvement scheme, the County Council does have some concerns with the current outline design as the footways would be narrowed at the junction radius and road markings are unclear. In addition, the TN advises that the junction would operate within capacity with the mitigation scheme in place. However, the modelling

provided in Appendix D indicates that the junction would in fact still be in exceedance of capacity in both AM and PM peak hours with maximum queues of 93 pcus and 120 pcus on Bell Road and Woodstock Road respectively. Therefore, it has not been demonstrated that congestion at the junction can be adequately mitigated.

Highway Infrastructure Proposals

Sittingbourne Northern Relief Road

The delivery of this infrastructure is not included in the current application, and the TN and TA are based on the premise of it being secured and delivered through application 21/503906/EIOUT. Comments relating to the SNRR proposals are therefore provided within the response for that specific application.

Sittingbourne Southern Relief Road

Noting that the application has been made in a three-tiered format, only the principle of the development is to be considered at this first tier of the planning process, as access will remain a reserved matter for tier two determination. The information provided for the SSRR and access strategy are therefore illustrative only, and provide a level of detail to give an indication of where the roads, junctions and site access locations may be located, and allow assessment of the high level road network.

For Tier 1 assessment, the indicative road layout and junction positions are considered to be acceptable in the context of connecting to the existing highway where shown, and the conceptual form of these junctions are appropriate, subject to detailed design at Tier 2. However, a number of capacity issues have been identified above with some of the proposed junctions, and it should be demonstrated that these can be addressed. Additionally, further information has been requested to consider the non-strategic highway connections from the development onto the rural lanes

The principle of the bus guideway, SNRR and being provided as a 7.3m wide road with additional off-carriageway footway/cycle provision to connect to the wider network is appropriate. This provision will need to accord with the guidance contained within LTN1/20 and can also be determined at Tier 2.

The delivery of the route would be expected through a combination of Section 38 agreements over the applicant's land control and Section 278 agreements where connections or changes to the existing public highway would be made.

Sustainable Transport Strategy

Due to the Three-Tiered nature of the application, the sustainable transport measures cannot yet be fully fixed as these are expected to evolve during the progression of the development. Conditions will therefore need to be placed on any consent granted for this application, to seek detail for approval of the measures that are considered appropriate or

available from emerging technologies at that time. The S106 agreement will also need the flexibility to secure the financial contributions associated with any measures that are subsequently approved or required once the cost plans are known nearer the time.

This could include the provision of new bus routes to pass through the development and link to Teynham, Sittingbourne and Great East Hall as suggested within the strategy document. As mentioned above, these can only be determined at the second tier when the access points and detail of the infrastructure have been approved. However, it is understood that bus service contributions have been proposed that can be secured at the current (first tier) planning stage. This would amount to a contribution of £8.8M in order to provide pump priming of services to the application site for a period of five years.

Improvements to cycle parking convenience are welcomed with easier accessibility integrated into proposed dwellings. These would need to be both secured and sheltered.

An electric bike hire scheme within the development is proposed and welcomed. This would be served from the transport hub with supporting infrastructure provided throughout the development. It is proposed that the development's electric bike scheme could be expanded to cover wider areas of the Borough.

Conclusion

Due to the number of outstanding issues and concerns raised above, the County Council wishes to raise a holding objection and would recommend, if the issues cannot be addressed, that the application be refused for the following reasons:

- Inadequate information has been submitted to satisfy the Local Highway Authority that a satisfactory means of access to the site can be achieved.
- Inadequate information has been submitted to satisfy the Local Highway Authority that the existing road network in the vicinity of the site has sufficient capacity to accommodate the material increase in traffic likely to be generated by the proposed development.
- Inadequate information has been submitted to satisfy the Local Highway Authority that the impact of the proposed development can be adequately mitigated.

Notwithstanding the above recommendations, should the Local Planning Authority be minded to approve the application, the following should be included within any consent:

1. Approval and implementation of Sustainable Transport Strategy with review mechanism over the phased progression of the development.
2. Provision of off-site highway works to improve highway capacity at the following junctions:
 - a.) Woodstock Road/ Bell Road/ Park Avenue/ Gore Court Road.

- b.) Woodstock Road/ Cromer Road / Tunstall Road / Ruins Barn Road
 - c.) Swale Way/Barge Way
 - d.) Swale Way/Ridham Avenue
 - e.) Swale Way/Castle Road
 - f.) Swale Way/Bingham Road
 - g.) A2/Faversham Road
 - h.) A2/Chalkwell Road
 - i.) A2/Church Lane
3. Submission of details to improve walking and cycling routes between the development and local communities, and thereafter provided in accordance with a phasing plan to be submitted and approved by the Local Planning Authority.
 4. Contribution of £8.8M towards the provision of bus services.
 5. Completion of the Sittingbourne Northern Relief Road and associated accommodation works as shown indicatively on drawings 16-023/6000D Revision C, 16-023/6010D Revision C, 16-023/6011D Revision B, 16-023/6012B Revision C and 16-023/6015 prior to occupation, via highway adoption agreements with the Highway Authority.
 6. Completion of the Sittingbourne Southern Relief Road and associated accommodation works as shown indicatively on drawings 16-023/2000D, 16-023/2010D, 16-023/20110D, 16-023/2012D, 16-023/20013D, 16-023/2014D 16-023/6015D Revision B, 16-023/6016D and 16-023/6017D prior to occupation, via highway adoption agreements with the Highway Authority.
 7. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site.
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
 - (c) Timing of deliveries, avoiding network and school peaks where possible.
 - (d) Provision of wheel washing facilities.
 - (e) Measures to prevent the discharge of surface water onto the highway.
 - (f) Temporary traffic management / signage.
 8. Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.
 9. No dwelling shall be occupied until vehicle parking and turning space has been provided, surfaced and drained to the satisfaction of the Local Planning Authority in accordance with the adopted parking standards, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall

be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

10. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
11. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority. And shall be carried out as approved.
12. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority. And shall be carried out as approved.
13. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
14. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Informatives:

- Planning permission does not convey any approval for construction of the required vehicular crossings, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- The applicants should be advised that separate prior approval will be required from Kent County Council for the proposed retaining/basement wall adjacent to the

highway and in this regard they should contact structurestechnicalapproval@kent.gov.uk

- Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Public Transportation

The County Council has been in discussions with consultants Charles and Associates on this site, particularly concerning their proposed Sustainable Transport Strategy.

Firstly, it is the County Council's understanding that earlier versions of the Transport Strategy did not reference the principle of financial contributions for buses. This position would be unacceptable and would likely result in no bus provision for the site. The scale of the development may mean that arguably in the longer term there may be potential for a commercial bus operation (i.e. after full build out), this would certainly not be the case from initial construction. Subsequent discussions with Charles and Associates have identified that a financial contribution would be essential, and it is the County Council's understanding that this principle is now accepted by the developer.

In terms of contribution levels and principles:

Land South and West of Sittingbourne:

- The County Council would seek to secure contributions from the site to deliver new service provision.
- The County Council anticipates that based on current a costs, a minimum contribution of £8,800,000 would be required to deliver this provision. As an overall principle this would secure 4 vehicles for a 10 year period.
- The scale of the application means that it is the County Council's understanding that the site will come forward as phases / separate villages. It is therefore crucial that flexibility is maintained within this overall figure in order to allow appropriate amounts to be allocated to identified phases of development at appropriate trigger points.
- The County Council would request that in addition to the funding request, the developer is required to produce a detailed public transport phasing plan which identifies how development phasing will support the delivery of a bus service, utilising this funding. The plan would need to be approved by the County Council with principles linked to associated conditions within S106 agreements for relevant phases.
- The County Council will also require the developer to produce a detailed delivery plan to support the delivery of the bus service with respect to supporting infrastructure and subsequently deliver / fund the delivery plan as part of their build out in order to facilitate the bus service(s). This will need to be agreed with the County Council (and SBC with respect to bus shelters) as part of any S106s and include provision for bus stop locations (temporary and permanent), any temporary turning areas due to phasing or works, bus standing facilities / driver facilities and any supporting infrastructure linked to any bus only links.

2. **Public Rights of Way**

The County Council, in respect of Public Rights of Way and Access, maintains its position of objection to the application due to issues set out within this response in consideration of the [Rights of Way Improvement Plan](#) (2018-2028) (ROWIP) and NPPF (December 2023) paragraph 104: “*Planning policies and 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*”.

The County Council has been actively engaged in responding to consultations from the Local Planning Authority in respect of its role and responsibilities around Public Rights of Way and Access and the ROWIP.

The application has now been amended again; however, the further documentation provided does not resolve prior comments and advice from the County Council in respect of PRow and the amendments/additional information do not alter the significant adverse impact on the recorded PRow Network and the significant loss of open countryside, both of which provide numerous benefits to the Borough. As such, the underlying concerns raised in previous County Council responses remain outstanding.

Planning Statement Addendum

The County Council continues to raise concern that the “detailed PRow improvement strategy” will not be delivered until Tier 2 of the proposal.

The severity of the impact on the PRow Network remains underestimated and the application does not reflect the importance of the local access network and the quality of the user experience and amenity value. The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, timescale of overall development, construction traffic, noise, visual intrusion, and loss of tranquillity, all contribute to the quality of the user experience inherent in a recreational walk or ride.

Some PRow are the only off-road access for a community or provide the main recreational space. The impact of a development (either North or South or combined) of this size and scale may well contribute to local users choosing to travel a greater distance by car in order to walk in open countryside and maintain recreation with a high amenity value.

KCC PRow and Access Mitigation / Contributions request

To clarify the request made for developer contributions and investment as mitigation for the severe impact on the Network:

- The County Council has identified offsite strategic PRow routes which would be significantly impacted by increase of use, for both Active Travel and leisure/recreation purposes, in line with the aims and objectives of the KCC policy document, the [ROWIP](#). These routes are by no means the only PRow affected in the area.

- The green spaces proposed by the development are all within the context of the site and do not replicate or provide the experience and benefits of access to wide open countryside or coast. The Primary and Secondary road networks proposed through the development would adversely affect the existing Tonge Country Park. The implication that new residents would therefore not wish to access areas in the wider area is somewhat unrealistic. Whilst the increase is described by the applicant as “encouraging” further use, this should be recognised in the proposal and provided for. The increase of use will require mitigation in order to maintain and improve the quality of the PRow Network, a free, publicly accessible County asset, as a direct result of such a development.

National Trail

The King Charles III England Coast Path is a National Trail. National Trails are long distance walking, cycling and horse-riding routes through the best landscapes in England and Wales. There are four quality standards set by Natural England. They cover a range of factors from path condition to the social and economic benefits of the trail (Natural England: National Trails Management Standards).

As the Trail is at a distance of within the 2.5km buffer from the proposed, development, it is only reasonable to expect new residents will wish to access the Nationally and locally promoted route.

The trails should be managed in a way which allows as many people as possible to enjoy a wide variety of walking and riding experiences along National Trails and through the English landscape.

Constant improvements should be made to the trail and its associated routes. It should contribute to the enhancement of the landscape, nature and historic features within the trail corridor. There should be a commitment to build and sustain a community of interest in caring for the trail and the landscape through which it passes. The trails should create opportunities for local businesses to benefit from the use of the trails.

3. Development Investment

The County Council below includes the same requests and detail as provided on 26 June 2024.

The County Council has re-assessed the implications of this proposal in terms of the delivery of its community services and the latest information from the applicant. It remains the opinion that the application will have an additional impact on the delivery of its services, which 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 the attached Appendices).

The County Council that this application has been submitted concurrently with Highsted Park North application SW/21/503906, and indeed provisions have been proposed for both sites, particularly secondary education. However, the applications are separate and will be reviewed independently. The County Council would therefore wish to draw the Local Planning Authority's attention to particularly the Secondary, Special Education Need and Waste requirements, and how these matters should be dealt with if the applications proceed independently.

Request Summary

Table 1

	Per 'Applicable' House (5984)*	Per 'Applicable' flat (428)*	Total	Project
Nursery	26 place Nursery at each new Primary School – Provided as part of each Primary School			
Primary Education	£7,081.20	£1,770.30	£43,131,589.20*	Towards new on-site primary schools serving the development
Primary Land	2No. New Primary School sites of 3Ha each and 1No site of 2.05Ha, provided at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			

Special Education	£559.83	£139.96	£3,409,925.60*	Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough
Secondary Education	£5,587.19	£1,396.80	£34,031,575.36*	Towards a new secondary school to serve this and the adjoining Highsted Park (North) development
Secondary Land**	10Ha New 8FE Secondary School site to be provided as part of the combined Highsted Park (North & South) proposals. Sites provided at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			

Please Note:

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation. The applicant has advised in correspondence that all proposed 1-bed flats are below this size and therefore not applicable. Should this change, the County Council will reassess the requirement for education places.

** The County Council has used the housing mix referenced in the January 2024 Planning Statement Addendum Para 3.3 Table 3.1). The applicant has advised in earlier correspondence that 10% of 2 bed flats/houses will be restricted to occupancy for over 70s. The County Council has applied this mix and removed the age restricted dwellings as non-applicable for education assessment, subject to a legal Agreement restricting occupancy age in the age restricted dwellings in perpetuity.*

*** Secondary land & SEN – Irrespective of whether the Highsted Park North and South sites proceed jointly or independently, Kent County Council Education has confirmed that there is a significant deficit in places locally, even allowing for a new Secondary school in Northwest Sittingbourne. Consequently, new standalone Secondary and SEN provision will be required for this Highsted South application.*

Should either the mix or age restricted unit numbers change, the County Council reserves the right to reassess the requirement for education places.

Table 1 continued:

Per Dwelling (x7150)	Total	On Site Community Buildings	Project
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Community Learning	£34.21	£244,601.50	Free use of on-site Community facilities for classes, plus provision of secure storage for equipment	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
Integrated Children's Services	£74.05	£474,808.60	Free use of on-site Community facilities for youth sessions, plus provision of secure storage for equipment	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and/or the upgrade of existing youth facilities
Library Service	£62.63	£447,804.50	Free use of on-site Community facilities for library purposes, plus provision of secure storage for equipment	Towards additional resources, services and stock, the local mobile Library service and improved facilities in Sittingbourne to meet the needs of the development.
Social Care	£180.88	£1,293,292.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	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 & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)				

Community Buildings specification:	<p>*Design that is Dementia friendly with dementia friendly decoration and signage.</p> <p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org)</p> <p>* Provision of secure storage for County Council Social Care, Community Learning, Libraries and Youth Service.</p>		
Waste	£194.13	£1,388,029.50	Towards a new Household Waste Recycling Centre on-site and increases in capacity at the Waste Transfer Station in Sittingbourne.
Waste Site	A new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council - transferred as per the County Council's General Transfer Terms, should either the South proceed independently, or the combined Highsted Park North and South proceed. If the new HWRC is ultimately located on the South site and the North site is in separate ownership, any land cost should be dealt with by the applicants through a <i>Development Land Equalisation Agreement</i> with the North site contributing its proportionate share.		
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>		

Please note that these figures:

- are to be index linked by the All-In Tender Price Index from Q1 2022 to the date of payment.
- 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.
- Bonds will be required by the County Council for the Education contributions if the applicant wishes to pay the contributions in instalments. If the contributions are paid in instalments, the applicant will also be required to cover the County Council's borrowing costs for the construction of the schools.

Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas the County Council will seek for, contribution rates, methodology for calculation and policy justification are contained within the Guide and can be viewed [here](#).

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 the attached appendices.

Primary Education

The indicative housing mix provided by the applicant has been used to calculate the Primary Education need created by the development. Based on this mix – which must be subject to regular review to confirm the final mix - the proposed South development is estimated to generate up to 1,705 primary pupils, equivalent to 8.12 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Applicant's Proposal – Primary School Sites/Indicative Locations / Phasing

The amended Design and Access statement confirms appropriate land areas for the three proposed primary schools as being 3Ha for Highsted West and Oakwood schools and 2.05ha for the Highsted East school site. As a result of the expected pupil demand it is requested that the Highsted East school would be a 2FE school which, given the current demand projections, would be acceptable to the County Council.

The above figures have been taken from page 15 of the Design and Access Addendum which are assumed as correct.

All sites must be transferred with agreement by the County Council as the Statutory Education Authority and in accordance with the County Council's General Site Transfer terms (attached).

It is required that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also existing neighbourhoods in the locality.

The applicant has responded positively to our earlier consultation responses on the locations of the schools which are now, in principle agreeable, subject to the further information required below.

Highsted West Primary School Location

The proposal is showing the primary school located on 3Ha of land as required.

The location of the primary is at the edge of the built area of development and appears well located in terms of accessibility and is generally agreeable.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and

confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments the County Council will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm suitability.

Highsted East Primary School Location

The proposal is showing the primary school located on 2.05Ha of land which would only be sufficient for a 2FE school.

The County Council welcomes school locations close to market centres, which aids in the creation of community and supporting footfall to other services.

It is unclear from the plans whether a PRow crosses this proposed school site. Please note the County Council's transfer terms and advise accordingly.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments the County Council will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm suitability.

Oakwood East Primary School Location

The proposal is showing the primary school located on 3Ha of land as required.

The location of the primary is at the edge of the built area of development and appears well located in terms of accessibility to sports and open space land use. It is noted the proposed location is in reasonable proximity of the existing schools of Bapchild and Rodmersham.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments the County Council will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm suitability.

Anticipated Phasing of School Builds

Table 1 below sets out the County Council's anticipated delivery triggers for schools. This will require appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and dynamically respond to pupil demand, to ensure timely delivery and sufficient capacity is maintained. The proposals within the submitted phasing plans

would appear to be appropriate however limited information could be found on the numbers of dwellings within each phase. This will need to be provided so that the information can be reviewed, in the context of the below table, before confirmation of approval can be given on the proposed phasing plans.

Table 2

	Number of Dwellings Occupied
Primary School 1	350
Primary School 2	2600
Primary School 3	4700
Secondary School	1st phase delivered at 900 occupations***

****900 occupations combined across both the North and South Developments if built out jointly. (The Primary School triggers are occupations on Highsted South ONLY.*

Nursery and Pre-School Provision

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst the County Council is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private/voluntary/independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has been high. By the time the development is becoming occupied it is likely that 30 hours free childcare will be available to all, increasing levels of demand. The County Council supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds)) and will work with the Applicant to advise on the appropriate method of delivery.

Special Education Needs and Disabilities Provision

The Children’s and Families Act 2014, Equality Act 2010 and Children and Families Act 2014 sets out the county council’s responsibilities for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 years. The County Council’s [SEND Strategy \(2021-2024\)](#) sets out its vision and priorities in respect of this area of its service.

Children with more complex needs are supported through an Education, Health and Care Plan (ECHP) which sets out the provision they are entitled to. School-age pupils with ECHPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites and in stand-alone special needs schools.

Mitigation of Need

This proposal gives rise to additional pupils with Education and Health Care Plans (EHCPs) requiring extra support through specialist provision. All SEND infrastructure in Kent is currently at capacity.

A proportionate contribution is therefore required to mitigate the impact from the development through the provision of additional SEND places as identified in Table 1.

Secondary School Provision

The indicative housing mix provided by the applicant has been used to calculate the Secondary Education need created by the development. Based on this mix – which must be subject to regular review to reflect the final mix– the proposed South development is estimated to generate up to 1,218 secondary pupils, equivalent to 6.85 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Secondary Education demand is exceeding provision in the Borough, with a significant forecast deficit in places, as extant permissions are built out, and the County Council awaits the land for the new school in North-West Sittingbourne to meet the current Local Plan. Consequently, this application will place additional pressures on education provision.

To accommodate this additional demand, along with the demand from the Highsted North and wider development, a new, on-site 8FE Secondary school is required on a site of 10ha at nil cost to the County Council, in a location to be agreed by the County Council and transferred in accordance with the County Council's General Site Transfer Terms.

Whilst the County Council are generally agreeable to the proposed location, greater detail of the proposed Secondary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. It is expected that the majority of pupils and their carers will reside in the proposed development. The County Council will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm its suitability.

The secondary school site will need to be served by vehicular, public transport and pedestrian/cycle routes prior to its opening, connecting not only the new community to this school, but also the existing developments in the locality and further afield in the Borough. As proposed, the location should provide excellent opportunities for connecting with existing and new communities.

The County Council note that a site size of 9ha has been offered and not the 10ha requested. The County Council would be prepared to negotiate this point such that an

additional adjoining 1ha be safeguarded for Education purposes immediately adjacent to any proposed secondary school 9ha site offered and that it is provided at nil cost to the County Council, should the Pupil Product Rate from the development be as, or above that currently calculated.

If Highsted Park (North and South) proceeds concurrently then proportionate contributions towards the Secondary School land at Highsted Park South of £3,022.72 per 'applicable' house and £755.68 per 'applicable' flat will be required through a Development Equalisation Agreement from the 21/503906 application.

The site acquisition cost is based upon current local land prices and any section 106 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 the County Council taking the freehold transfer of the site to reflect the price actually paid for the land.

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.

The County Council 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 2021-25 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

Anticipated Delivery of Secondary School

The County Council's assessment of secondary education places in the planning groups shows that there is a significant deficit of places. Whilst the school will be built out in phases, it is anticipated that the first phase will be required to open by 600 occupations (combined across both the North and South Developments if built out jointly). 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 to meet demand.

Community Learning and Skills

The County Council provides Community Learning and Skills (CLS) facilities and services in line with [Framing Kent's Future – Our Council Strategy 2022/2026](#) (Priority 1 – Levelling UP Kent and Priority 2 – Infrastructure For Communities).

Appendix 3B provides detail of the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development. Adult Education will also require free use of on-site Community facilities for classes, as well as provision of secure storage for equipment.

Integrated Children’s Service – Youth Service/Early Years Service

The County Council has a statutory duty to provide Youth Services under section 507B of the Education Act 1996 and the statutory guidance '[Working Together to Safeguard Children](#)'.

Appendix 3B provides detail of the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

The services will also require free use of on-site Community Facilities for meetings & sessions locally, as well as secure storage within the new facilities for equipment. The masterplan demonstrates provision of accessible outdoor and sports and recreational facilities for youth activity along with additional amenities that may be achievable within the proposed county park.

Additional indoor facilities may also be able to be delivered within the employment spaces being proposed.

Library, Registrations and Archives Service

Under the [Public Libraries and Museums Act 1964](#), the County Council has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires the County Council to take proper care of its libraries and archives.

There is an assessed shortfall in provision for this service. Borrower numbers are in excess of capacity, and book stock in Borough at 669 items per 1,000 population is below the National standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 3B. The appendix demonstrates; the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development. As there are no details of the community facilities proposed a flexible approach to provision should be facilitated. Provision would either be through the free use of on-site community facilities for Library purposes (including secure storage within these facilities for equipment), towards the local mobile Library service, and towards improved facilities in Sittingbourne.

Description of requirements – LRA will continue to deliver its library service for this area at the existing Faversham library. This library was fully refurbished in 2018 & is currently co-locating with the Good Day Programme.

Contribution or floorspace – LRA would like to seek contributions to existing service rather than floor space in a new development.

Adult Social Care

The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions.

Appendix 3C provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon the County Council to provide Adult Social Care services. The appendix demonstrates; the demand generated by the application, the projects serving the development and proportionate cost requested to mitigate the impact arising from this development. Table 1 also identifies the mitigating projects serving the development.

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 & disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely, the County Council 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 occupant's requirements.

Community Buildings

There remains little detail within the application of the community facilities being proposed which, acknowledging the size and likely lifespan of build out, is unsurprising. Provision for community buildings is mentioned and demonstrated in appropriate locations for each of the development areas, however not all of these buildings are likely to need to include provision for all County Council services. The approach to the delivery and use of community buildings will therefore require a strategy that includes flexible and phased delivery so that it can be proportionate to the population and services needs. This mechanism should be established through any accompanying s106 agreement. It should however be noted that all buildings must include:

- Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with [Changing Places Toilets \(changing-places.org\)](#).
- Design that is Dementia friendly with dementia friendly decoration and signage.
- Catering areas to be compliant with the Equality Duty 2010, including adjustable height work surfaces, wash areas, cupboards etc.
- Accessible community outdoor areas such as allotments or gardens.

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. The County Council would encourage any new residential care home provider to join the County Council Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate form of care delivery.

Supported Living Accommodation

Paragraph 3.2 of the Planning Statement identifies that the development proposes to include the provision of extra care units for over 65's. This inclusion is welcomed however there is no detail at this stage as to the amount that would be available. The demand for support living accommodation (especially within the working-age population) has increased significantly. The County Council would wish to ensure that the dwelling mix of this development and level of extra care units available is sufficient to meet the levels of demand. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate forms of care delivery and that any legal agreements or conditions on housing mix have the ability to set out minimum levels of provision of extra care units.

Waste

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Appendix 3D provides detail of the current shortfall in the provision of this service, the demand generated by the application and also explains the statutory duty upon the County Council.

The appendix demonstrates the projects serving the development and proportionate cost requested to mitigate the impact arising from this development and accommodate the increased waste throughput within the Borough. Table 1 also identifies the mitigating projects serving the development.

Waste Transfer - Developer Contributions are required towards works to increase capacity at the Church Marshes Waste Transfer Station.

Household Waste and Recycling Centre (HWRC) - The County Council is pleased to see the inclusion of a new Household Waste Recycling Centre site of 1.5ha, required at no cost to the County Council. Proportionate HWRC land contributions from application 21/503906 will be required through a Development Equalisation Agreement to fund the provision within this application.

The County Council also notes that the new HWRC allocation has a colour coding error on the legend on the plan in the Environmental Compliance statement.

The County Council is pleased to see that the HWRC allocation remains in place. The minor amendments to the submission will not change the impact on Waste.

Implementation

The above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal. The Local Planning Authority is requested to seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement. Additionally, a County Council monitoring fee of £300 for each trigger point identified for County contributions within the Agreement is also required, irrespective of whether or not the County Council are party to the agreement.

Any Section 106 or UU containing contributions for County Council services should be shared with the authority via the Developer.Contributions@kent.gov.uk email address prior to its finalisation.

If you do not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us immediately and allow at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

Appendix 3A - Education Need Assessment / Education Land Assessment

KCC developer contribution assessment for Primary Education

District:	Swale	Non-applicable units:	739
Site:	Land South East of Sittingbourne Kent	Houses:	5964
Plan ref:	SW/21/503914	Flats:	428
Date:	13/03/2024	Total units:	7150

Current and forecast pupils on roll for schools within		Sittingbourne South and Sittingbourne East planning groups										
DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
2055	Lansdowne Primary School	394	409	396	394	384	375	365	366	357	360	361
2126	Sunny Bank Primary School	178	174	183	177	178	173	173	175	171	172	172
2233	Lynsted and Norton Primary School	71	83	73	75	73	73	63	66	64	64	65
2239	Rodmersham School	113	135	114	113	114	105	103	103	101	102	102
2254	Canterbury Road Primary School	207	208	209	208	206	202	202	200	196	197	198
2435	South Avenue Primary School	406	414	400	393	385	378	369	372	364	366	368
2463	Minsterne Community Junior School	373	374	371	378	376	365	365	353	347	352	357
2513	Haks Community Infant School	275	274	264	261	255	260	265	265	266	267	268
3110	Milstead and Frinsted CE Primary School	85	60	82	81	89	89	88	90	90	91	91
3117	Teynham Parochial CE Primary School	200	198	197	193	189	187	182	184	180	181	182
3328	Bapchild and Tonge CE Primary School	208	210	215	215	215	214	213	211	206	208	209
3329	Borden CE Primary School	127	122	129	130	134	132	135	133	133	134	135
3330	Bredgar CE Primary School	108	98	109	110	111	112	116	116	117	120	121
3337	Tunstall CE Primary School	422	423	422	428	427	425	425	422	419	423	427
3714	St. Peter's RC Primary School	212	209	208	205	202	201	198	195	192	194	196
3912	Westlands Primary School	575	518	498	486	467	441	442	441	438	442	447
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		3,954	3,909	3,871	3,847	3,804	3,732	3,695	3,693	3,640	3,673	3,697
Required capacity to maintain 2% surplus capacity		4,035	3,989	3,950	3,926	3,881	3,808	3,770	3,769	3,715	3,748	3,773

Current and forecast capacity for schools within		Sittingbourne South and Sittingbourne East planning groups										
DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
2055	Lansdowne Primary School	420	420	420	420	420	420	420	420	420	420	420
2126	Sunny Bank Primary School	315	315	315	300	285	270	255	240	225	210	210
2233	Lynsted and Norton Primary School	140	105	105	105	105	105	105	105	105	105	105
2239	Rodmersham School	70	105	100	95	90	85	80	75	70	70	70
2254	Canterbury Road Primary School	210	210	210	210	210	210	210	210	210	210	210
2435	South Avenue Primary School	420	420	420	420	420	420	420	420	420	420	420
2463	Minsterne Community Junior School	360	360	360	360	360	360	360	360	360	360	360
2513	Haks Infant School	270	270	270	270	270	270	270	270	270	270	270
3110	Milstead and Frinsted CE Primary School	105	105	105	105	105	105	105	105	105	105	105
3117	Teynham Parochial CE Primary School	210	210	210	210	240	270	300	330	360	390	420
3328	Bapchild and Tonge CE Primary School	210	210	210	210	210	210	210	210	210	210	210
3329	Borden CE Primary School	140	140	140	140	140	140	140	140	140	140	140
3330	Bredgar CE Primary School	105	105	105	105	105	105	105	105	105	105	105
3337	Tunstall CE Primary School	420	420	420	420	420	420	420	420	420	420	420
3714	St. Peter's RC Primary School	210	210	210	210	210	210	210	210	210	210	210
3912	Westlands Primary School	600	540	510	480	450	420	420	420	420	420	420
Current and forecast capacity (1)		4,205	4,145	4,110	4,060	4,040	4,020	4,030	4,040	4,050	4,065	4,095

(1) including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil yield from new developments within		Sittingbourne South and Sittingbourne East planning groups		
Planning reference	Development	Houses	Flats	Primary product
SW/24/500430	The Former Pumping Station St Michaels Road Sittingbourne Kent ME10 1AX	0	10	1
SW/23/502558	87 High Street/15 Central Avenue Sittingbourne Kent ME10 4AU	0	18	1
SW/23/503980	The Granary Berkeley House Lynsted Lane Lynsted Sittingbourne Kent ME9 9RL	3	3	1
SW/23/503467	Pembury Court Pembury Street South Of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/23/503228	Cockleshell Walk Car Park St Michaels Road Sittingbourne Kent ME10 1AU	0	35	2
SW/23/502365	77-83 & 87 London Road, Sittingbourne, Kent ME10 1NL	0	15	1
SW/22/505646	Land At Ulfon Court Farm Borden Kent	290	0	81
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN	50	0	14
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502834	Land West Of Church Road Bapchild Tonge Kent	251	75	76
SW/22/500601	Ridfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/21/506812	25-29 Starion Street Sittingbourne ME10 3DU	0	3	0
SW/21/505544	Hillfield Heats Delight Borden Sittingbourne Kent ME9 9HX	5	0	1
SW/21/505498	Land Off Swanstree Avenue Sittingbourne Kent ME10 4LU (S106)	125	0	0
SW/21/505096	Land To The North Of Lower Road Teynham Kent ME9 9EL	23	0	6
SW/21/502609	Land To The East Of Lynsted Lane Lynsted Kent ME9 9QN (S106)	10	0	0
SW/21/501334	Land At Fox Hill And School Lane Bapchild Kent ME9 9NL	95	0	27
SW/20/506066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	4
SW/20/505156	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1LF (S106)	5	17	0
SW/20/503665	88-100 West Street Sittingbourne Kent ME10 1AS	0	10	1
SW/20/503325	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	3
SW/20/501631	Moore's Yard Crown Quay Lane Sittingbourne ME10 3JN	12	15	4
SW/19/505036	Land South Of London Road Teynham Kent ME9 9QJ	70	10	20
SW/18/501693	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4BJ (S106)	0	24	0
SW/18/504460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HJ	24	0	7
SW/17/505711	Land at Wises Lane, Borden (S106)	675	0	0
SW/16/507689	Land between Froggal Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		2,044	284	252
This development		5,964	428	1,705

Assessment summary		Sittingbourne South and Sittingbourne East planning groups										
Detail		2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)		170	156	160	134	159	212	260	271	335	317	322
Expected pupil yield from new developments		252	252	252	252	252	252	252	252	252	252	252
Surplus / (deficit) capacity including the expected pupil yield from new developments		-81	-96	-92	-118	-93	-40	8	19	83	65	70
Expected pupil yield from this development		1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development		-1,787	-1,801	-1,797	-1,823	-1,798	-1,745	-1,697	-1,686	-1,622	-1,640	-1,635
Expected pupil yield from this development that on current plans for school provision cannot be accommodated		1,705	1,705	1,705	1,705	1,705	1,705	1,697	1,686	1,622	1,640	1,635

Background notes:
Pupil forecasts 2023 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area
Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

KCC developer contribution assessment for Secondary (Years 7-11) Education

District:	Swale	Non-applicable units:	739
Site:	Land South And East Of Sittingbourne Kent	Houses:	5904
Plan ref:	SW/21/503914	Flats:	428
Date:	13/03/2024	Total units:	7150

Current and forecast pupils on roll for schools within

Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups

DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
4002	Sittingbourne School	1,402	1,418	1,464	1,497	1,487	1,514	1,519	1,521	1,536	1,520	1,468
4080	Higsted Grammar School	720	688	714	714	701	724	715	715	707	707	665
4527	Borden Grammar School	664	686	701	722	714	724	721	720	722	715	694
5414	Fulston Manor School	1,860	1,857	1,867	1,863	1,863	1,881	1,873	1,865	1,866	1,846	1,815
5434	Westlands School	1,595	1,591	1,661	1,690	1,691	1,748	1,746	1,747	1,749	1,753	1,716
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		5,441	5,440	5,606	5,706	5,676	5,791	5,776	5,768	5,788	5,741	5,579
Required capacity to maintain 2% surplus capacity		5,552	5,551	5,721	5,822	5,792	5,910	5,894	5,907	5,886	5,858	5,692

Current and forecast capacity for schools within

Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups

DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
4002	Sittingbourne School	1,410	1,440	1,440	1,440	1,410	1,380	1,350	1,350	1,350	1,350	1,350
4080	Higsted Grammar School	750	690	690	690	690	720	750	750	750	750	750
4527	Borden Grammar School	660	690	720	750	750	750	750	750	750	750	750
5414	Fulston Manor School	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
5434	Westlands School	1,590	1,560	1,545	1,500	1,455	1,440	1,425	1,425	1,425	1,425	1,425
Current and forecast capacity (1)		5,460	5,430	5,445	5,430	5,355	5,340	5,325	5,325	5,325	5,325	5,325

(1) including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil yield from new developments within

Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups

Planning reference	Details	Houses	Flats	Secondary product
SW/24/50652	152 Staplehurst Road Sittingbourne Kent ME10 1J5	20	24	5
SW/24/50438	The Former Pumping Station St Michaels Road Sittingbourne Kent ME10 1AX	0	10	1
SW/24/50001	Land Off Sheppey Way Inwide Kent ME9 8JY	6	0	1
SW/23/505678	Land West Of Warden Road Eastchurch Kent ME12 4EJ	27	3	1
SW/23/50558	87 High Street/1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	18	1
SW/23/505365	Land To The Rear Of Eden Meadow Newington Kent ME9 7JH	25	0	5
SW/23/50380	The Garden Bellamy House Limited Lane Lynsted Sittingbourne Kent ME9 9RL	3	3	1
SW/23/503467	Pembury Court Pembury Street South Of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/23/50328	Oodleshall Walk Car Park St Michaels Road Sittingbourne Kent ME10 1AU	0	35	2
SW/23/503028	Land On Northern Side Of Canterbury Lane Upchurch Kent ME9 8JW	36	4	7
SW/23/502365	77-83 & 87 London Road, Sittingbourne, Kent ME10 1NL	0	15	1
SW/22/505646	Land At Upton Court Farm Borden Kent	290	0	58
SW/22/505399	W1 Despardian Hill Road Rushenden (Queborough) Kent ME11 5HB	22	0	1
SW/22/505076	Land At Pleasant Farm Bramblefield Lane West Of Inwide Bypass Sittingbourne Kent	42	0	8
SW/22/504274	Land At Sittingbourne Mill Mill Way Sittingbourne Kent ME10 2QZ	0	107	5
SW/22/503654	Land To The West Of Bobbing Sittingbourne Kent ME9 9JL	1,750	500	375
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN (S106)	50	0	0
SW/22/502881	Land South Of B Rushenden Road (Queborough) Kent ME11 5HB	13	12	1
SW/22/502534	Land West Of Church Road Bapchild Tonge Kent (S106)	251	75	0
SW/22/502096	Land To The East Of Scoles Road Minster-on-sea Kent	650	0	33
SW/22/501005	77 High Street Newington Sittingbourne Kent ME9 7J3	10	0	2
SW/22/500601	Rudfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/22/500275	Land South Of London Road Newington Kent (S106)	135	0	0
SW/21/504612	25-29 Station Street Sittingbourne Kent ME10 3DU	0	3	0
SW/21/504014	The Lion 2 Church Street Milton Regis Sittingbourne Kent	0	12	1
SW/21/503722	128 High Street Newington Sittingbourne Kent ME9 7JH (S106)	39	0	0
SW/21/503544	Hillfield Hurts Dalight Borden Sittingbourne Kent ME9 8JX	5	0	1
SW/21/503498	Land Off Swanstraw Avenue Sittingbourne Kent ME10 4LU (S106)	135	0	0
SW/21/503096	Land To The North Of Lower Road Teynham Kent ME9 9EY	23	0	5
SW/21/503041	Land North Of Lower Road Eastchurch Kent	59	0	2
SW/21/503124	Land To The North Of Elm Avenue Minster-on-sea Sheerness Kent ME12 3RZ (S106)	44	0	0
SW/21/502609	Land To The East Of Lynsted Lane Lynsted Kent ME9 9JN (S106)	10	0	0
SW/21/502038	Northern Phase Regent Quay Crown Quay Lane Sittingbourne Kent (S106)	84	10	0
SW/21/501839	Land Off Otterham Quay Lane Upchurch Kent (S106)	74	0	0
SW/21/501740	Land At Hill Farm Rock Lane Keycol Hill Bobbing (S106)	30	0	0
SW/21/501234	Land At Fox Hill And School Lane Bapchild Kent ME9 9JL	95	0	19
SW/21/500204	181 House At Home 159-162 High Street Sheerness Kent ME12 1JX	0	4	0
SW/20/506107	Reads Orchard, Pursonage Chase, Minster-on-Sea ME12 3DX	9	0	0
SW/20/506066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	3
SW/20/505921	Land At Highfield Road Minster-on-sea Kent (S106)	19	0	0
SW/20/505156	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1UF (S106)	5	17	0
SW/20/505059	Willow Trees 111 High Street Newington Sittingbourne Kent (S106)	10	0	0
SW/20/503032	Dales Of Queens Trading Estate High St. Blue Town, Sheerness Kent ME12 1RQ	5	6	0
SW/20/503665	88-100 West Street Sittingbourne Kent ME10 1AS	0	10	1
SW/20/503636	The Former Kemsley Arms Public House The Square Sittingbourne Kent ME10 2SL	0	13	1
SW/20/503225	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	2
SW/20/502715	Bobbing Car Breakers Sheppey Way Bobbing, Sittingbourne Kent (S106)	12	4	0
SW/20/502531	Moore Yard, Crown Quay Lane Sittingbourne Kent ME10 3JN	12	15	3
SW/20/501208	240-248 High Street Sheerness Kent (S106)	0	9	0
SW/19/505036	Land South Of London Road Teynham Kent ME9 9JQ	70	10	15
SW/19/504831	Land at Scoles Farm, Minster on Sea, Sheerness Kent ME12 3RU (S106)	12	0	0
SW/19/504736	The Ivy Leaf, Members Club, High Street Sheerness ME12 1NL (S106)	0	6	0
SW/19/503974	Land East Of Inwide Inwide Kent ME9 8ST (S106)	395	48	0
SW/19/503495	1, Bramblefield Lane, East Of Inwide Kent (S106)	22	0	0
SW/19/501693	Land To The Rear Of 45-55 High Street, Sittingbourne Kent ME10 4B3 (S106)	0	24	0
SW/19/501332	Land At Pond Farm Grovehurst Road Sittingbourne Kent ME9 8RD (S106)	72	0	0
SW/18/506677	Halfway Egg Farm Featherbed Lane Sittingbourne ME9 8RA (S106)	19	0	0
SW/18/506460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9H0	24	0	5
SW/18/506238	Land Lying To The South Of Dunlin Walk Inwide Kent ME9 8TG (S106)	20	0	0
SW/18/505157	Land North Of Sandling Way Inwide Kent ME9 8T3	60	5	12
SW/18/503272	Land at Great Grovehurst Farm Grovehurst Road Sittingbourne (S106)	110	0	0
SW/18/502190	Land North of Quinton Road Sittingbourne	913	201	193
SW/17/505711	Land at Wises Lane, Borden (S106)	675	0	0
SW/16/507689	Land between Frogal Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		6,788	1,252	771
This development:		5,984	428	1,218

Assessment summary

Details	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	-92	-121	-276	-392	-437	-570	-569	-561	-582	-533	-367
Expected pupil yield from new developments	771	771	771	771	771	771	771	771	771	771	771
Surplus / (deficit) capacity including the expected pupil yield from new developments	-663	-892	-1,047	-1,163	-1,208	-1,341	-1,340	-1,332	-1,353	-1,304	-1,129
Expected pupil yield from this development	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-2,081	-2,110	-2,265	-2,381	-2,436	-2,559	-2,558	-2,550	-2,571	-2,522	-2,357
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218

Background notes:

Pupil forecasts 2023 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

Education Build and Land Contributions
Appendix 1a

Site Name	Land South & East Sittingbourne
Reference No.	21/503914
District	Swale

	Houses	Flats	Total
Unit Numbers	5984	428	6412

Primary Education

	Per house	Per flat	
<i>Primary pupil generation rate</i>	0.28	0.07	
New Primary Pupils generated from this development		1,705	
New Primary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£25,289.80	£7,081.20	£1,770.30
Contribution requested towards New Primary School Build			£43,131,589.20

Secondary Education

	Per house	Per flat	
<i>Secondary pupil generation rate</i>	0.20	0.05	
New Secondary Pupils generated from this development		1,218	
New Secondary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£27,935.95	£5,587.19	£1,396.80
Contribution requested towards New Secondary School Build			£34,031,575.36

Special Education Needs

	Per house	Per flat	
<i>SEN pupil generation rate</i>	0.0110	0.0027	
New SEN Pupils generated from this development		67	
New Special Educational Needs build contribution			
	per Pupil	per House	per Flat
<i>New Build/Expansion Rate</i>	£50,893.35	£559.83	£139.96
Contribution requested towards New SEN School Build			£3,409,925.60

Notes

Costs above will vary dependant upon land price at the date of transfer of the school site to KCC
 Totals above will vary if development mix changes and land prices change

Appendix 3B - Communities' Assessment

**KCC Communities
Development Contributions Assessment**

Site Name	Land South & East of Sittingbourne
Reference No.	21/503914
District	Swale
Assessment Date	30/05/2024
Development Size	7,150
Non-Applicable Dwellings (under 56sqm GIA)	738

COMMUNITY LEARNING & SKILLS (CLS)

CLS generally operates from one central location per district owned by KCC. Many practical courses require resources (e.g., potter's wheels, kilns, stained glassing making equipment) that are not portable. Locations per district can be found on the Kent Adult Education website.

Provision of general courses (such as modern foreign languages, Maths, English and ESOL) are at capacity within these main centres. To increase capacity, CSL operates an outreach programme to bring services directly to communities: new developments will be required to contribute towards the cost of equipment and resources.

There is currently physical capacity within the hubs for specialist courses. However, increased enrolments will place additional demands on IT, learning technology and other equipment. New developments will also be expected to contribute towards this.

New adult participation from this development **317 clients**

Contributions requested from this development	£34.21 per dwelling
<i>7150 dwellings from this proposal</i>	£244,601.50

Contributions requested towards additional equipment and resources for Adult Education Centres and outreach provision serving the development.

INTEGRATED CHILDREN'S SERVICES - YOUTH / EARLY YEARS SERVICE

Historically, services for children and young people have been delivered from a static facility, typically youth/children's centres. The level of growth planned for each district will see the majority of development taking place away from the main hubs. To increase capacity and provide for the additional need created by new developments, much of the Youth/Early Years Services will be provided via Mobile/Outreach work. This will enable services to be delivered in the vicinity of new developments, increasing the likelihood of children, young people and parent/carers engaging with them. Therefore, all development will be expected to make contributions towards equipment and resources to enable Mobile/Outreach work to take place.

For expansions and enhancements of youth hubs and children's centres, including provision of specialist equipment and resources to increase capacity, this will be determined on a case-by-case basis, to mitigate the impact of growth. District provision will be assessed, and contributions requested where there is a project.

New Youth/Early Years Service participation from this development **882 clients**

Contributions requested from this development	£74.05 per dwelling
<i>6412 dwellings from this proposal</i>	£474,808.60

Contributions requested towards additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development.

LIBRARIES, REGISTRATIONS AND ARCHIVES (LRA)

New developments will place additional demands for both physical (hard copy) books and digital (eBooks/E-Audio) stock. The National Library Standard upper threshold recommends 1532 items per 1000 population; where stock levels are below this, contributions will be sought.

Library capacity has historically been based on Museums, Libraries and Archives (MLA) recommendation of 30sqm per 1,000 population – KCC does not currently meet this standard and has no plans to increase the number of libraries in Kent (the possible exception is the provision of new space on strategic sites/garden communities). In most cases, it will seek instead to meet the need generated by new growth by:

- Improving existing facilities
- Refits and reconfiguration
- Intensification of use

Library bookstock items per 1,000 population for Swale (Dec 2022) **669**

<i>Target: National Library Standard bookstock items per 1,000 population (upper threshold)</i>	1,532
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New borrowers from this development **1844 borrowers**

Contributions requested from this development	£62.63 per dwelling
<i>7150 dwellings from this proposal</i>	£447,804.50

Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Sittingbourne.

Net contributions requested for KCC Communities' Services **£1,167,214.60**

Appendix 3C – Social Care Assessment

**ADULT SOCIAL CARE ASSESSMENT REPORT
APPENDIX 3**

Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Site Name	Land South & East of Sittingbourne
Reference No.	21/503914
District	Swale
Assessment Date	30/05/2024
Development Size	7,150

Net Social Care contributions requested: Social Care and Health Services	£1,293,292.00
<p>Kent County Council has statutory* responsibilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.</p> <p>To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.</p> <p>Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.</p> <p>The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.</p> <p><i>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</i></p> <p>* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005</p> <p>**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</p>	

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	<i>Assistive Technology systems and Home Adaptation Equipment are delivered to vulnerable adults in their own homes, enabling them to: live with the confidence that help is available when they urgently need it and to remain independent in their own homes.</i>
B. ADAPTING COMMUNITY FACILITIES	<i>Adapting Community Facilities to be accessible for those with both mental and physical disabilities means vulnerable adults can access other support services and facilities safely and comfortably.</i>
C. SENSORY FACILITIES	<i>Sensory facilities use innovative technology to provide a relaxing or stimulating environment for people of all ages with sensory impairment conditions. The facilities may be used to calm stress and anxiety, or to encourage sensory development and social engagement.</i>
D. CHANGING PLACE	<i>Changing Places have additional features than standard accessible toilets to meet the needs of people with a range of disabilities and their carers. These toilets are usually located in or near a popular public area to ensure suitable facilities are available for use by vulnerable adults when necessary.</i>
E. SPECIALIST CARE HOUSING	<i>Specialist care housing includes extra care accommodation and other care living accommodation for those clients with special requirements. These requirements include but are not limited to, the elderly and those with physical and learning requirements.</i>

New Social Care Clients generated from this development:	660 client(s)
<i>Forecast SC clients generated from ALL proposed developments within the District (up</i>	1,511 clients
Contributions requested from this development	£1,293,292.00
Contributions requested towards Specialist Housing in the District, Assistive Technology & Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.	

Note: These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

Appendix 3D – Waste Assessment

Development Contributions Assessment over the planning period 1/1/2021 to 31/12/2030

Site Name	Land South& East of Sittingbourne
Reference No.	21/503914
District/Area	Swale
Assessment Date	30/05/2024
Development Size	7,150

Net Waste contributions requested:

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, meaning that it is responsible for the receipt and onward processing/disposal of household waste, providing Waste Transfer Stations (WTS), Household Waste Recycling Centre Services (HWRC) and monitoring closed landfills. Kent residents make approximately 3.5 million visits to HWRCs per year and each household produces an average of a 1/4 tonne of waste to be processed at HWRCs, and 1/2 tonne to be processed at WTSs annually. Kent's Waste Management services are under growing pressure with several HWRCs and WTSs over operational capacity (as of 2020).

In accordance with the Kent Waste Disposal Strategy 2017-2035, contributions may be sought towards the extension or upgrading of existing Waste facilities, or towards the creation of new facilities where a proposed development is likely to result in additional demand for Waste services. Existing Waste services will be assessed to determine the available capacity to accommodate the anticipated new service demands before developers are requested to contribute to additional provision. The proportionate costs of providing additional services for households generated from the proposed development are set out below:

A. WASTE TRANSFER STATIONS (WTS)

Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.

1. Applicable dwellings from this development	7,150
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	70,100
3. Overall cost of increasing capacity for 70,100 new dwellings by 2030	£9,963,313.00
4. Cost per new dwelling (£9,963,313 / 70,100 new homes)	£142.13
Contributions requested from this development	£142.13 per dwelling
7,150 dwellings from this proposal	£1,016,229.50
Contributions requested towards Sittingbourne WTS	

B. HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)

Additional households increase queuing times and congestion at HWRC's and increase throughput of HWRC waste.

1. Applicable dwellings from this development	7,150
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	64,200
3. Overall cost of increasing capacity for 64,200 new dwellings by 2030	£3,338,400.00
4. Cost per new dwelling (£3,338,400 / 64,200 new homes)	£52.00
Contributions requested from this development	£52.00 per dwelling
7,150 dwellings from this proposal	£371,800.00
Contributions requested towards closer of Sheerness, Sittingbourne or Faversham HWRC	

Net Contributions requested for KCC Waste from this development	£1,388,029.50
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*** Estimated**

Note: These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

4. Minerals and Waste

The site affects important brickearth reserves, which are a safeguarded mineral in the Kent Minerals and Waste Local Plan, part of the Development Plan for the purposes of this application. Areas HB and HC of the site are affected. A Mineral Assessment has been submitted with the proposal which seeks to address mineral safeguarding matters. The County Council has commented separately on this assessment, and I draw your attention to those comments in considering the proposal. In determining the application, the Borough Council should satisfy itself that the policy requirements of DM7 of the Kent Minerals and Waste Local Plan are satisfied and in the case of area HC that the safeguarding requirements and the need to consider prior extraction is addressed by planning condition.

The County Council as Minerals and Waste Planning Authority provided the following commentary direct to the Borough Council on 27 September 2024.

From: Bryan Geake - GT GC <Bryan.Geake@kent.gov.uk>
Sent: Friday, September 27, 2024 12:25 PM
To: planningsupport@midkent.gov.uk
Cc: Francesca Potter - GT GC <Francesca.Potter@kent.gov.uk>
Subject: Application reference – 21/503914/EIOUT – Outline planning application for the phased development of up to 577.48 hectares at Highsted Park, Land to the south and East of Sittingbourne, Kent

Dear Matt Duigan

Application reference – 21/503914/EIOUT – Outline planning application for the phased development of up to 577.48 hectares at Highsted Park, Land to the south and East of Sittingbourne, Kent comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works. Land South and East of Sittingbourne Kent

21/503914/EIOUT Mineral Safeguarding

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above reserved matter application.

I will confine my comments to the submitted mineral assessment (MA) that addresses the land-won mineral safeguarding issues that is dated 3 July 2024.

The two areas of potential safeguarded mineral sterilisation are H.B and H.C. The MA addresses the need to examine the potential for there to be a viable mineral deposit and for any prior extraction event. I have the following comments to make for each area in turn.

Area H.B

This is divided into two Phases, 1 and 2. Phase 1 is related to ensuring the overall development has importance in terms of transportation accessibility, and on that basis a delaying effect of any prior extraction event would be incompatible with mineral safeguarding

exemption criterion 5 of Policy DM 7: Safeguarding Mineral Resources, of the adopted Kent Minerals and Waste Local Plan 2013-30 [Early Partial; Review 20202] (KMWLP) that states:

incompatible with minerals safeguarding, where it is demonstrated that material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction;

Therefore, the matter of the argued need to ensure that accessibility of the appropriate type is made available for Phase 1 and 2 that is anticipated to be developed in years 5-15 effectively precludes any prior extraction of the minerals. The discussion of the current availability of permitted brickearth reserves at Paradise Farm is an irrelevancy, as material could be taken from Phase 2 and either directly used or stored at the relevant nearby Smeed Dean works. There is also the argument put forward that the remainder of Phase 2 is simply of no economic viability and the MA cites mineral safeguarding exemption criterion 1 and 2 of Policy DM 7. This may be the case though no data on the quantum of material is given (nor for that matter for Phase 2) on which this conclusion can be objectively drawn. Though, as a generality the extractive industry requires in the order of 50,000 cubic metres of potential and usable mineral resource to be at a point of viability. The overall area of H.B appears sufficiently extensive to meet this viability threshold.

Therefore, the County Council regards the matter of the applicant wishing to invoke exemption criterion 5 of Policy DM 7: Safeguarding Mineral Resources as one that has to be considered by the determining authority to be satisfied of when making its determination on the proposal.

Area H.C

This is Phase 3 of the overall development proposal. Anticipated to be developed in years 10-20. The MA does not conclude that there is a justification that any safeguarded Brickearth can be sterilised by invoking any exemption criterion of Policy DM 7. What is suggested is that a three staged approach to access this is undertaken at an undefined position in the future, the three stages being:

Stage 1: Confirmation of built development areas

We consider that the potential mineral extraction areas should be reviewed to identify areas still being taken forward for built development that would sterilise the mineral, and exclude all uses that would not result in sterilisation. Clarification will be provided on this matter from Quinn in the format of an overlay drawing, which would in turn provide an updated area to be taken forward for a more detailed minerals assessment.

Stage 2: Environmental constraints mapping

The provision of a constraints map which would, in our view, possibly assist in a case for prior extraction not being feasible / acceptable on environmental grounds in certain areas;

Stage 3: Further site investigation

It is possible that a more comprehensive assessment of mineral presence and quality may demonstrate that some of the areas that fall through the stage 1 and 2 mapping are not of economic value. We consider that the site investigation may further reduce the area of workable mineral resource. It should be noted that a SI would be required in any event in support of a minerals application.

Essentially the applicant wishes deferring a full MA to a future date, to determine if there are justifiable grounds for exempting the area or areas of Phase 3 from a prior extraction of the minerals event. Given the anticipated timescales, and the fact that the application is in outline, this appears reasonable. Though it is considered that these stages should be subject to at least a reserved matter detailed planning permission approval condition of any outline planning permission granted by the determining authority.

I hope the above is useful. If you would wish to discuss any of the above in further detail, please do not hesitate to contact me again.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI

Bryan Geake | Principal Planning Officer | Minerals and Waste Planning Policy | Growth, Environment and Transport | Kent County Council First Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX | Telephone: 03000 413376 | www.kent.gov.uk/planning

5. **Sustainable Urban Drainage Systems**

The County Council as Lead Local Flood Authority Planning Authority provided the following commentary direct to the Borough Council 17 September 2024

Appendix 5A – Lead Local Flood Authority Response



Matt Duigan
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX

Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SBC/2021/086050
Date: 17 September 2024

Application No: 21/503914/EIOUT

Location: Land South And East Of Sittingbourne Kent

Proposal: Southern Site. Outline Planning Application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorpace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorpace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorpace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorpace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works

Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have the following comments: Having reviewed the latest information supplied we note that this does not have any implication on or alterations to the previously submitted strategy for managing surface water and that as such our previous response dated 28th March 2024 containing our comments and recommendations remains valid. This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Neil Clarke
Sustainable Drainage Team Leader Flood and Water Management

6. Heritage Conservation

The County Council has provided the following response direct to the Borough Council Thursday 26 September.

Appendix 6A – Heritage Conservation Response



Mr Matt Duigan
Principal Planning Consultant
Place Services
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Heritage Conservation

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Tel: 03000 413415
Simon.mason@kent.gov.uk

26th September 2024

BY EMAIL

Dear Matt

21/503914/EIOUT – Highsted Park Southern Site, Land South and East of Sittingbourne, Kent : Outline Planning Application for the phased development of up to 577.48 hectares

Thank you for your consultation with respect to the further updated and amended information concerning the above major application on land to the south and east of Sittingbourne known as Highsted Park South. I have sent separate advice for the Highsted Park Northern Site application (21/503906/EIOUT).

I provided advice with respect to this application on the 2nd August 2024. In my advice I objected to the application on the basis that there is strong evidence to suggest that there are potentially archaeological remains of high significance within the development area and that the applicant has not sufficiently evaluated the archaeology of the site to enable the remains and their significance to be sufficiently understood and an informed planning decision to be had reached.

I have highlighted specific areas and aspects that should be evaluated in that and previous advice.

The applicant maintains that evaluation fieldwork can be deferred until Tier 2 applications and that there is sufficient flexibility in design to accommodate preservation in situ measures for archaeological remains should they be necessary. It is our view that parameter plans, densities of development and other aspects that are set and established at the outline application stage will limit the potential for preservation measures to be secured in Tier 2

design. Many of the archaeological remains that have been described in my response are substantial in their extent and fall within extensive areas of built development. Opportunity for Preservation in Situ in such areas would be very limited and any substantial areas of archaeology where preservation may be appropriate would not be able to be preserved within the set parameters.

I concluded in my August response that:

“It is our view that there is potential for the development proposals to cause harm to nationally important archaeological assets. Should archaeological assets be found to be of lesser importance the planning authority would need to consider the significance of the asset and weigh against the scale of harm caused by the development proposals. It is our view therefore that without the further archaeological evaluation set out above an informed planning decision can not be reached and the provisions of paragraph 200 of the NPPF have not been met. We therefore object to the proposed development and recommend that it be refused on the grounds of the potential harm to archaeological remains.”

August 2024 Submission

I have reviewed the August 2024 submission and note:

The submission has included some adjustments to parameter and other plans however the adjustments do not affect my previous advice.

The submission includes additional clarifications by Wessex Archaeology for the ‘Response to LUC Review of ES Chapter 15’ (Wessex Archaeology, June 2024). The clarifications do not affect my previous advice and repeat the applicant’s position with respect to evaluation and the flexibility of future development to be able to accommodate preservation which I disagree with.

Recommendations

The additional information submitted by the applicant in August 2024 has been reviewed and does not alter my views and recommends that were provided to you on the 2nd August 2024. We therefore maintain our objection to the proposed development and recommend that it be refused on the grounds of the potential harm to archaeological remains. I refer you back to my previous advice for the detail of the grounds.

I hope that the above is helpful and am happy to discuss further.

Yours sincerely

Simon Mason Principal Archaeological Officer

7. Biodiversity

The County Council, in respect of Biodiversity matters provided the following commentary direct to the Borough Council on 20 September 2024.

Appendix 7A – Biodiversity Response



ECOLOGICAL ADVICE SERVICE

TO: *Matt Duigan*

FROM: *Helen Forster*

DATE: *20 September 2024*

SUBJECT: *21/503914/EIOUT Land South And East Of Sittingbourne*

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

We have reviewed the updated information and we advise that our comments have not significantly changed.

We have reviewed the ecological information submitted with the planning application and we advise the following:

The following ecological surveys have been carried out:

- NVC surveys of the LWS and Ancient Woodland
- Bat emergence surveys
- Bat Hibernation surveys
- Bat activity/automated surveys
- Badger survey • Dormouse surveys
- Breeding bird surveys
- Wintering bird surveys
- GCN HSI and eDNA surveys
- Reptile Surveys

- Invertebrate surveys

The surveys have detailed the following:

- The Swale SPA, SSSI and Ramsar site within 2km of the proposed development
- Local Wildlife Site and Ancient Woodland within or adjacent to the proposed development boundary
- A number of International/National/Locally designated sites within 5-10km of the proposed development site.
- Lowland mixed deciduous woodland, lowland meadow and open mosaic habitat on previously development land (all priority habitats) within the Highstead Quarry LWS
- The woodland within and adjacent to the site (including the ancient woodland and Corner's Wood LWS) has been assessed as lowland mixed deciduous woodland (a priority habitat)
- The parkland within the site has been assessed as Wood-pasture and Parkland (a priority habitat).
- Hedgerows throughout the site – hedgerows are a priority habitat and some hedgerows are considered important under the regulations.
- Building 4 (as per the Ecological Appraisal) recorded a brown long eared bat roost.
- Building 6 (as per the Ecological Appraisal) recorded a soprano pipistrelle bat roost and a brown long eared maternity roost.
- The quarry tunnels in the LWS considered to be used by brown long eared bats as a hibernation roost.
- Confirmed noctule bat roost within a tree in the LWS
- Possible common and soprano pipistrelle roosts within the trees in the parkland/Highstead wood AW.
- At least 6 species for bats recorded foraging/commuting within the site.
- 20 active badger setts recorded (including 3 main setts)
- Dormouse (population may have expanded since the 2017 survey)
- Brown hare (priority species)
 - Potential for hedgehog (priority species)
- GCN recorded within a pond to the south of the site
- 71 species of bird during the breeding bird survey (35 species confirmed/probable breeders). Including barn owl a schedule 1 species (Wildlife and countryside Act 1981 (as amended)).
- 50 species of birds recorded during the wintering bird survey (including farmland bird and priority species)
- Slow worm and common lizards
- At least 247 species of invertebrate – including species of notable conservation status.

The submitted ecological information provides a good understanding of the ecological interest of the site. An updated ecological walkover survey has been carried out and the results of the surveys demonstrate that the habitat within the site has not significantly changed and the results of the existing surveys are likely still to be valid but we highlight that if planning permission is granted updates of all species surveys must be carried out to inform detailed mitigation strategies.

When we previously commented we highlighted that it is likely/possible that the dormouse population may have increased since 2017 particularly within the Highstead Quarry's Local

Wildlife Site as at the time of the initial survey the vegetation had only recently established on site. This point has not been addressed within the updated mitigation strategy however we acknowledge that Highstead Quarry LWS is no longer being lost as part of the proposal.

Mitigation

The 'mitigation hierarchy' described in British Standard BS 42020:2013, which involves the following step-wise process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

We advise that the proposed development is not following the steps of the mitigation hierarchy as the proposal will result in the direct loss of Local Wildlife Site and Ancient Woodland through the creation of the road associated with the proposed housing – these areas are of at least county importance. We note that the loss of LWS has been reduced since the original design but highlight that a large number of the protected species were recorded within the LWS and the AW and the creation of the road will result in the site being dissected in two. No green bridge has been proposed within this area to reduce the connectivity issue.

The National Planning Policy Framework (NPPF) (2023) paragraph 186 states “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists” We note that a detailed compensation strategy for the loss of the AW has not been provided as part of this application but information has been provided confirming at least 8.1ha of replacement woodland will be created within the site. We highlight that the compensation planting also incorporates the AW buffer for the area of ancient woodland in the south of the site. We highlight that part of the woodland planting would have had to be carried out to mitigate the impact on the area of AW in the south of the site and therefore the whole area can't be considered compensation for the loss of AW. We advise that the creation of the woodland planting can be considered as compensation under the NPPF but advise that SBC must be satisfied that there are wholly exceptional reasons for the proposal

An overarching mitigation strategy has been submitted as part of this application and mitigation largely relies on the creation of the proposed country park. We acknowledge that, theoretically, for the majority of species there is capacity within the site to support the species recorded within the site. However the ecological mitigation areas will also be used for other purposes such as the provision of SUDS and recreation – in particular we are concerned with the impact of recreation. The submitted information/parameter plans has been updated to detail that nature areas will be created and they will be designed to discourage residents/dog walkers to enter. From an ecology perspective we are supportive

of this but due to the numbers of dwellings proposed and adjacent to the site we query if these areas can be managed to restrict access to residents.

There is a need to ensure the proposed habitat creation can be implemented and retained on site to ensure the proposed species and habitat mitigation can be achieved. We advise that SBC must take advice on that point internally / organisations with experience of managing open space.

A skylark mitigation strategy has been proposed for the adjacent habitat to the site to provide skylark mitigation as skylarks required open areas for breeding. The area proposed as the mitigation area has been reduced as part of the previous land proposed for skylark mitigation is currently being considered under application 24/500125/FULL as a solar farm. We highlight that all of the area identified may not be suitable as a mitigation option due to the numbers of skylarks which have been recorded within the area. Any skylark mitigation proposed will have to be design to following breeding bird surveys.

A biodiversity net gain assessment has been submitted and it has assessed that an anticipated net gain of up to 21% for habitats is proposed. The results of the BNG metric is largely based on the proposal to improve the condition of the retained habitats within the site. As detailed above we have concerns that the recreational pressure will not enable the habitats to establish as intended and therefore the resulting in the development not achieving the anticipated net gain.

To enable connectivity across the road culverts/hop-overs, one green bridge and 3 Animex bridges are proposed. The proposed Animex bridges will increase connectivity across the site but we highlight that they must be located within areas where they can receive the minimal amount of lighting and the Highways Authority must be satisfied that they can be installed /maintained. However we note that the green bridge is within the urban area which doesn't appear to be the best location to support wildlife connectivity – we would expect it to be located in areas where it links habitat – such as two sections of the country parks. We continue to recommend that a green bridge is created to link sections of the country park. Details of the green bridge must be provided to enable SBC to consider if it is appropriate.

The lighting design principal plans provides details of where there will be avoidance of lighting spill or restrictions on lighting spills – this includes areas directly adjacent to the main road. As the lighting plan will impact the proposed road we advise that SBC will need to be satisfied that restricted lighting within those areas is achievable.

Habitat Regulations Assessment

We have reviewed the HRA and we advise that we have the following comments to make:

The report has concluded that the proposed could have a negative impact due to recreational pressure, loss of functionally linked land for curlew and habitat degradation due to air quality.

The impact on water quality has been ruled out however we advise that SBC must be satisfied that the proposed measures to avoid impacts from surface water run off and

sewage on the Swale during construction and operational phase are appropriate. The increase in dwellings from this site and application 21/503906/EIOUOUT could negatively impact the designated sites.

Recreational Pressure

The following mitigation is proposed to mitigate the impact of recreational pressure:

- Enhanced payment to the SAMMS
- Creation of open space within the site.
- Access to other country parks/open space within the wide area.

We advise that we are satisfied that the above measures are appropriate however highlight that appropriate management of the Tonge Country Park, Highsted Country Park, Highstead Quarries and Highsted Valley will have to be carried out. If the applicant does not have responsibility of the management of all of these areas we recommend that a financial contribution for towards the management of the areas are made. We also highlight that if application 21/503906/EIOUOUT is not granted then Tonge Country Park will not be created and therefore there will be reduce opportunities for recreation within the surrounding area.

Functionally Linked Land

Curlew have been recorded within the site on a sporadic basis and the HRA has detailed that to mitigate the impact habitat creation on a field to the south of the country park is proposed. The proposed habitat creation area is adjacent to existing housing and will be adjacent to an area of the country park which is to be used for recreation. The HRA has detailed that as there is no development along the eastern boundary the field is part of a continuous green corridor to the SPA and Ramsar site. We advise that we understand the reasoning but do have concerns that the proposed mitigation will not be sufficient.

However the applicant has confirmed that they have other landholdings available to them and if monitoring demonstrates that the mitigation has not been successful alternative mitigation will have to be implemented.

Air Quality:

The report has concluded the following:

- No measurable change to NO_x, ammonia or N deposition along the A299 is expected to occur as a result of the proposed development;
- Along the A249, there would be an exceedance of the relevant critical levels/loads within 25-40m of the road. The majority of this area comprises vegetated highway verges of negligible importance in terms of the SPA/Ramsar;
- In-combination development will result in a moderate increase in pollutant levels at the roadside, and an increase in the area which would experience pollutant levels above the critical level/lower critical load, the maximum extent being +17.1m (relating to the area exceeding the lower critical load for nitrogen deposition relative to the projected baseline scenario);
- Of this area, only 0.68ha comprises saltmarsh or grazing marsh (equating to 0.01% of the total SPA/Ramsar area), located at field margins adjacent to main roads. Given existing conditions, there is unlikely to be any measurable deterioration in vegetation in these areas, whilst such areas are not considered to be suitable for the bird species for which the SPA is designated;

- Beyond this zone, the lower critical load for relevant habitats is not exceeded, such that no significant effect is anticipated, in line with DMRB guidance;
- In any event, grazing marsh, saltmarsh and estuarine habitats are not particularly sensitive to nitrogen deposition, whilst other factors such as management (i.e. grazing intensity) and river/coastal nutrient inputs are likely to be of much greater relevance in terms of suitability of habitats for the interest bird species.

The air quality assessment was considered with regard to an increase in traffic along the A249 due to the proposal. We advise that we are not experts on air quality or transport assessments and we advise that the LPA must be satisfied that the conclusions of the air quality assessment and traffic assessment are accurate.

There is a need to ensure that the calculations are correct as the report highlights the following with regard to area of impact with regards to air quality and increase in traffic *Routes likely to be subject to increased traffic associated with the proposed development include a single main road which passes within 200m of the SPA/Ramsar, namely the A249 at the crossing to the Isle of Sheppey, lying adjacent to the SPA/Ramsar boundary.* As the assessment concluded that only habitat within 125m would exceed the nutrient critical load by 1% however if the traffic assessment is wrong it is possible that a greater area of the Swale SPA could exceed the nutrient critical load.

Suggested Conditions

If planning permission is granted we recommend that there will be the need for the following conditions:

- Lighting designed to minimise impacts on nocturnal animals
- Detailed ecological mitigation strategy – informed by updated surveys
- Ecological enhancement plan – including integrated enhancement features • Site wide management plan
- Site Wide Monitoring Plan
- Habitat creation plan

If you have any queries regarding our comments, please do not hesitate to get in touch.

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents: Base Line Ecological Appraisal; June 2021
Ecological Mitigation Strategy; Aspect Ecology; October 2022
Report to Inform HRA; Aspect Ecology; July 2024
Ecological Mitigation Strategy; Aspect Ecology; July 2024
Updated Walkover Survey Results; Aspect Ecology; July 2024
Habitat Regulations Assessment; Aspect Ecology ; July 2024

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