



**Growth, Environment
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BY EMAIL ONLY

01 March 2023

Dear Alex,

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 (KCC) 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)). 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 made in respect of that application, and where appropriate, the cumulative impact of these two applications is considered.

The County Council draws reference within this response to the prior response submitted in respect of this, and the related west of Teynham Road application – this response was provided on 30 November 2021 and is available on the application portal for reference.

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

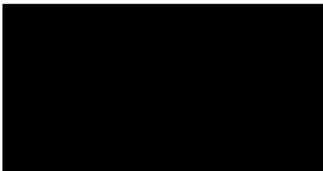
- The proposal fails to provide appropriate modelling or sufficient information to provide KCC as the Local Highway Authority with an adequate understanding of the impact of the development in respect of highways and transportation. As such, KCC is not in a position to properly assess whether proposed mitigation measures are acceptable. Furthermore, as Local Highway Authority, the County Council would also raise the following issues with this application which are required to be resolved ahead of determination of this application:
 - Inappropriate modelling and a requirement for additional information.
 - Insufficient facilities at proposed junctions and existing infrastructure to promote the reported benefits to modal shift.
 - SATURN modelling links need to include the proposed connection to Lower Road and A2.
 - Junction performance analysis for the development accesses to be provided.
 - Inappropriate single carriageway proposed for link to the north of Bapchild.
- As submitted, the proposal provides insufficient information to fully assess the impact of the development on the Public Rights of Way Network (PRoW) network, including its management and incorporation into the development. The County Council has received no contact with the applicant in respect of PRoW since the previous County Council response. It is not considered acceptable for the PRoW strategy for the site to be determined at a later stage, as currently proposed. The proposed development would both sever and fragment the existing network over a considerable area and a considerable period. There is a clear need for discussions and contributions towards the incorporation, improvement and management of the PRoW network given the scale of the development proposed. The application shows incorrect alignments of PRoW routes on plans which must be corrected, before the holding objection could be removed.
- Further discussions are required with the County Council in respect of the provision of education, waste and community infrastructure. The proposal does not provide the necessary and appropriately located primary education sites, and a site is required to be identified for the provision of a new Household Waste and Recycling Centre. The County Council would welcome engagement with the applicant and the Local Planning Authority in respect of the contributions required as detailed within Chapter 3 (Provision and Delivery of County Council Community Infrastructure and Services).
- The Lead Local Flood Authority requires specific information to support the sizing and location of infiltration drainage measures and demonstrating that these features can be integrated within the open space provision with appropriate setbacks.
- There is insufficient information to demonstrate there would not be needless sterilisation of safeguarded mineral deposits. The proposal therefore fails to provide sufficient information to KCC as Minerals and Waste Planning Authority to fully assess whether the proposed development can invoke any exemption criterion of Policy DM 7: Safeguarding of Land-won Minerals (Kent Minerals and Waste Local Plan 2013-30 (as Partially Reviewed)).

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 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. The County Council will welcome engagement with the applicant and the Borough Council as Local Planning Authority in addressing the matters raised in this response.

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

Yours sincerely,



Simon Jones
Corporate Director – Growth, Environment and Transport

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1. **Highways and Transportation**

The County Council's previous consultation response was submitted on 30 November 2021. The amended submission details from November 2022 relate to a number of documents that were referred to in that response. The actions within this chapter require resolution ahead of determination of the application. The previous response had commented on the following Transport Assessment documents:

- Transport Assessment Volume 2 – Policy Context & Strategic Justification
- Transport Assessment Volume 3 – Site Context
- Transport Assessment Volume 4 – Development Proposals
- Transport Assessment Volume 5 – Sustainable Transport Strategy
- Transport Assessment Volume 6 – Highway Infrastructure Proposals
- Transport Assessment Volume 7 – Traffic Impact Appraisal
- Transport Assessment Volume 8 – Mitigation Proposals

The latest submission documents only supersede volumes 3, 5 and 7, so the comments already provided in respect of volumes 2, 4, 6 and 8 remain applicable and the actions required will still be outstanding. For clarity, those comments included within the November 2021 response are replicated within the highway comments below, which should also be read in conjunction with the previously included WSP report (available within the 30 November 2021 response).

However, the submitted volume 7 appears to be corrupt as it is missing pages and the bulk of text is either omitted or illegible and therefore cannot be read. No comments can be provided at this time on volume 7, and assessment of that will only be able to commence when the appropriate document is available from the planning portal and accessible for public viewing. Given volume 7 contains the Traffic Impact Appraisal, this is of course one of the most relevant documents for consideration by the Local Highway Authority.

Action – An uncorrupted version of Transport Assessment Volume 7 must be submitted in order for consultees and the public to access it.

Updated Comments

In reviewing the amended documents, volumes 3 and 5, the following comments are now provided regarding the actions previously requested relating to these:

Transport Assessment Volume 3 - Site Context

Baseline Operation

Previous comment – *The 2017 Base data as shown in table 4.1 taken from the Swale (STM) has been checked and all flows other than the AM flows on the A249 north of the A2 and the PM flows between M2 J6 and J7 have are agreed as accurate.*

Table 4.1 in the latest version still retains the same 2 queried figures.

Action - Clarity is required for the two figures mentioned above that the County Council are unable to replicate, before the application is determined.

Previous comment – *It is noted that there are a number of highways that would be impacted by the development that have been omitted from the baseline assessment.*

Other local adopted roads affected by the development that have not been mentioned but should be included are as follows.

In an assessment for this application only;

Swale Way, Lower Road (Teynham), Station Road (Teynham) Hempstead Lane, Committed Frogna Gardens access road, Lomas Road, School Lane, Church Street, Dully Road, Lynsted Lane.

Additional highways in an assessment for the cumulative impact of both Highsted Park applications;

Ufton Road, Bell Road, Tunstall Road, Rectory Road, Cromer Road, Highsted Valley, Highsted Road, Stockers Hill, Bottom Pond Road, Green Lane, Panteny Lane, Bexon Lane, Swanton Street.

Without being able to access Volume 7 it cannot be confirmed whether the action requested has been completed.

Action – Traffic flow details and highway safety assessments to be added for the above-mentioned affected highways. The application cannot be properly assessed without this information.

Highways Safety

Previous comment – *The Highways safety section is presented in a summary form only without any details of the incidents that have occurred. It is therefore not possible to review whether or not there are any patterns. Greater detail of the incidents reviewed should be presented along with any specific clustering alongside a justification for each assessment. This assessment will enable us to confirm or otherwise the conclusions made by the applicant.*

Without being able to access Volume 7 it cannot be confirmed whether the action requested has been completed and contained elsewhere within that document. Nonetheless, Table 4.3 in Volume 3 has not been updated to provide a summary of the accident data for those highways listed.

Action - In addition to the links presented, any highways not mentioned from the list above should be included in the assessment. The application cannot be properly assessed without this information.

Action - Greater detail of the incidents reviewed should be presented along with any specific clustering with a justification for each assessment, before the application is determined.

Traffic Conditions

Previous comment – *The statement in 4.2.6 and 4.2.7 was out of date at the point of submission with consent being granted by the Planning Inspectorate to proceed with delivery of the M2 J5 (RIS) scheme.*

Statements 4.2.6 and 4.2.7 remain out of date. In addition to consent being granted by the Planning Inspectorate to proceed with the delivery of the M2/J5 RIS scheme, work has commenced with completion due winter 2024.

Action – Update the TA to reflect status of the M2/J5 scheme before the application is determined.

TA document 5: Sustainable Transport Strategy

Objectives

Previous comment – *The proposed strategy, and development as a whole seeks to adopt similar objectives to those contained within the Swale Draft Transport Strategy, as mentioned above. There are, however, objectives set within the application’s own strategy that do not accord with the Borough’s.*

Objective 4. Encourage and facilitate, through a flexible framework, innovation in transport technology that place the Proposed Development and Swale at the cutting edge of sustainable transport solutions and a ‘net exporter’ of ideas;

There is a distinctive emphasis on transport innovation yet untested. Whilst an admirable objective there will need to be far greater detail on the proposals and whether or not they can be sufficiently legislated and approved on a public highway.

Objective 5. Present clear, demonstrably deliverable and tangible measures to achieve the objectives that learn from past experiences and respond to the shortcomings of historic strategies (and those emerging in draft) which set aspirational objectives but fail to secure effective and deliverable solutions.

The Borough’s draft strategy is clearly marked as such, has a list of deliverable measures interventions and includes a stated flexibility for evolution to respond to emerging

technologies and changes to travel patterns. The first part of the objective would therefore be in accord with the draft policy, the second part is not supported, being as it is a derogatory and unnecessary comment which neither adds anything to the objective nor conducive to positive engagement between the Highway and Planning Authorities.

The comments above still apply. Disappointingly, the text of stated objective 5 has not been amended.

Public Transport Strategy

Previous comment – The proposals seeks to initially make use and extend the existing bus services along the A2 making sure that all development lies within the required 400m threshold but also to ensure that the maximum headway would be 30 mins between services.

Services are expected to connect with Sittingbourne and Faversham and when appropriate to do so, the wider development at Highsted Park.

The applicant has acknowledged that diversion of existing services may be necessary to reach the required 400m distance threshold.

The Highway Authority is in agreement that the proposed highway infrastructure connecting the Northern Relief Road and the Lower Road connection to Teynham Station opens up the potential for more efficient bus routing. This would allow existing or new services to connect Teynham and Faversham directly with the employment areas of Eurolink Park and Teynham Railway Station.

There however appears to be no bus priority measures proposed within the development which would be viewed as necessary addition by the Highway Authority.

Action – Provide details of any bus priority measures within this section of the TA.

No further information has been provided within this section of the TA to suggest the use of bus priority measures, so the action remains outstanding.

Development Rail Access

Previous comment – It is assumed that there is a typographical error in paragraph 5.3.1 where is mentions connectivity to the Chartham main line, which KCC has taken to meaning the Chatham main line.

Train services along this line are relatively frequent offering an hourly service in both directions during the inter-peak. A very good early morning and PM peak service is offered with increased frequency of between two to three services in the hour.

High speed services are mentioned as operating along the line but it should be clarified that high speed services are not available from Teynham station.

The TA mentions that the development seeks to maximise opportunities to access rail through various modes. Little detail is provided other than mention of walking, cycling and bus connecting routes and an intended community travel plan.

Action – *Further indication on how rail travel is proposed to be maximised is requested.*

The revised document still contains the error referring to the Chartham main line but does now include details on promoting rail travel and connectivity to Sittingbourne and Teynham Stations. However, reference is made to Figure 5.1 within the document, which does not appear to have been included.

The Local Highway Authority welcomes the proposed implementation of coordinated ticketing for combined bus and rail trips. The scale of the development does provide the opportunity to procure these tickets at favourable rates, although no details have been given on whether service providers have expressed a willingness to facilitate this.

Paragraph 5.3.10 only commits to exploring the scope for development of sustainable travel hubs. It is considered that more priority should be given to this.

The use of real-time information systems is supported, and this is considered to be a good tool to encourage public transport use. While it is commonplace for this information to be displayed at bus shelters and travel hubs, the strategy does not indicate whether the information will also be easily available elsewhere, such as in homes and businesses to help people plan when to set off for their journeys.

Action – *Greater emphasis should be given on the intention to provide sustainable travel hubs, and more details regarding the accessibility to real-time information within the development, before the application is determined.*

Framework Community Travel Plan

Previous comment – “The Highway Authority welcomes the inclusion of a framework travel plan. The applicant is expecting a condition to be required to ensure delivery of a Community Travel Plan to cover both the Highsted applications. We would agree and recommend that a combined Travel Plan is a conditional requirement.

The Travel Plan would need to be monitored by the Highway Authority and a financial contribution would be required to ensure our costs for this are covered.

The Framework Travel Plan includes a number of potential measures that are agreeable, these being;

- *Defined targets to increase use of Public Transport, Walking and Cycling. Increase up-take of EV cars and car sharing.*
- *Integration of parking to facilitate EV and/or car sharing and appropriately located cycle parking hubs*
- *An electric bike hire scheme with associated infrastructure*
- *Public Transport services*
- *Provision of a 5m+ NMU corridor to facilitate any emergent autonomous technology*
- *Free or discounted public transport passes*
- *Vouchers for cycling equipment*
- *Promotional material to support the travel plan*
- *A central web-based framework for tailoring bespoke individual travel plan services*
- *Cycle Training*

Action - *Additional measures that the Highway Authority also considers to be appropriate for this development would be bus shelters and waiting facilities and central community collection points such as Amazon lockers. Also the provision of public seating at regular intervals along the SMC and on other key walking corridors to accommodate elderly and mobility impaired persons they may need to rest along the route. These should be demonstrated.*

No measures for employment staff travel plans have been included in the application which as above undermines the portrayed sustainability of the proposals.

Action – *Inclusion of a framework employment staff travel plans should also be provided.*

Whilst mentioning many agreeable options the Framework Travel Plan has given no consideration to the cost of each incentive.

Action - *KCC will require a full cost plan demonstrating the expected outlay being provided towards each of the individual incentives to a level that can be fully considered by the Planning Authority in the review of viability assessment and for consideration of any Section 106 financial contributions.*

No targets or objectives could also be found which are fundamental to any TP.

Action - *Guidance should be sought from KCC on the required inclusions of the TP.*

This section of the revised document has not been amended from the original version, so it is considered that the same actions remain as per the previous response.

Previous KCC Comments on Remaining Volumes

Transport Assessment (TA) Document 2: Policy

The National Planning Policy Framework (NPPF) references made in chapter 3 are out of date, following an update to the NPPF in July 2021. The changes however predominantly relate to numbering and the correct numbering being paragraphs 104 to 113 within chapters 9 and 10. The element not referenced in the TA is in regard to paragraph 110 (c), which requires developments to meet “the design of streets, parking areas, other transport elements and the content of the National Design Guide and National Model Design Code.

In assessing the application, KCC’s attention is drawn to paragraph 110 of the TA Document 2: Policy:

- a.) The application and infrastructure proposed provide opportunities to promote sustainable transport modes. This is delivered through the application’s ability to internalise movements and design in sustainable options from the outset. It is however considered that the application will be required to follow through its sustainable intentions into the junction designs. This is covered in the response.*
- b.) Safe and suitable access is yet to be demonstrated due to incomplete modelling and assessments on its impacts on highway safety. In its current form the application does not comply with this policy.*
- c.) The streets, parking areas and other transport elements have not been demonstrated to comply with the National Design Guide and National Model Design Code. In its current form, it is unclear as to how the application complies with this policy.*
- d.) Significant impacts from the development on the transport network have not been demonstrated to be cost effectively mitigated to an acceptable degree due to incomplete modelling evidence. In its current form, the application does not comply with this policy.*

Action – Updated NPPF policy reference and evidence required.

Reference to KCC’s LTP4 remains current and includes reference to page 39 of LTP4 and the identified improvement labelled as an “extension to the Northern Relief Road to the A2 and then M2”. As proposed, this application includes the infrastructure as referenced. Importantly though, this should be put into context of the content of page 25, which reflects that the schemes are identified from individual district’s Local Plans and Transport Strategies. It is noted that this infrastructure did not appear to be a priority for Swale Borough Council during the recent Regulation 19 draft Local Plan consultation.

In the longer term, KCC as Local Highway Authority considers that the modelling presented through the various stages of the Local Plan Review that infrastructure of this nature could be necessary to facilitate any growth occurring in the area between Sittingbourne and Faversham due to pre-existing congestion, junction capacity and air quality.

Swale Draft Transport Strategy.

The Transport Strategy is designed to respond to the emerging Local Plan Review, and it is envisaged that the six stated objectives of the Swale Borough Council Transport Strategy will remain the same; these being:

- Objective 1** *To promote active and sustainable travel enabling residents to take up these modes*
- Objective 2** *To reduce and mitigate the impact of poor air quality related to transport whilst striving for net zero*
- Objective 3** *To improve the journey time reliability and resilience across the transport network*
- Objective 4** *To support the economic growth and development projected in the Local Plan Review*
- Objective 5** *To consider the needs of all users across the transport network*
- Objective 6** *To substantially reduce all road casualties and progress towards zero killed and seriously injured (KSI) casualties*

Objective 1

The application includes measures to support this objective through the following proposals:

- *Reduction in Sittingbourne Town Centre Traffic*
- *Additional Non-Motorised Users (NMU) routes provided connecting with Teynham Station*
- *New highway infrastructure that creates opportunities for improvements to bus services*
- *Opportunities for internalisation of movement through accessible local amenities*

Objective 2

The application includes measures to support this objective through the following proposals:

- *Reported reductions in traffic through existing AQMA's*
- *Improved opportunities for modal shift*

Objective 3

The application modelling needs to be updated to demonstrate that it is compliant with this objective.

Objective 4

The application duplicates the economic growth and development required by the Draft Local Plan Review and has not been demonstrated to support the growth strategy proposed by the Borough Council.

Objective 5

The application includes measures to support this objective through the provision of new internal walking and cycling routes and a proposed NMU corridor. It however fails to meet this objective with a lack of crossing provision or appropriate facilities being provided across and along the proposed link road infrastructure.

Objective 6

Highway safety assessments are incomplete and as such the application fails to demonstrate compliance with this objective.

KCC would expect these objectives to be better met through the application.

TA Document 4: Development Proposals

This element of the application includes the following components;

- *1,250 residential units including a Care Home*
- *2,200 sqm of commercial Class 3*
- *Mixed use neighbourhood amenities Classes E F1 and F2, retail, leisure and Pub/restaurant*
- *1 Primary School 3FE*
- *New highway access points including diversion of the A2 and the completion of the Sittingbourne Northern Relief Road*

The applicant has submitted a cumulative impact of both this application and that of 21/503914 only. Unusually it is not therefore possible to assess this application on its own merits from a highway perspective. We have dealt with the cumulative assessment latterly in this response; this section therefore deals with the individual elements of this development.

Junction G A2 (C)

A four arm roundabout on the A2 East of Bapchild with two express lanes shown on the drawing between the Southern and Western arm and the Western and Northern arms.

The inscribed circle diameter (ICD) of the roundabout does not appear to be mentioned but should be confirmed. KCC's assessment taken from the drawings provided appears to demonstrate an ICD of 62m, with 8m circulatory carriageway and two 3.5m lanes approaches to each arm. These are agreed to be in accordance with CD116.

Both express lanes are demonstrated with give way lines which maybe unexpected, particularly on the elements of network that would be a part of the Northern Relief Road. Nearside kerb radii have not been shown for the express lanes.

Action - *Nearside kerb radii should be demonstrated for the express lanes and discussion with the Local Highway Authority on the appropriateness of the express lane design approach.*

There appears to be a 3.5m footway/cycleway provision on each arm of the roundabout with a refuge island crossing facility provided on the Eastern Arm only. The lack of facilities for NMU crossing at this critical access point would be a significant barrier to onward movement between the existing settlement of Teynham, the train station and between the development proposals either side of the A2. In turn this undermines the proposed objectives of sustainability.

Action - *A single span signalised crossing facility catering for cyclists should be provided on the Eastern arm in accordance with design standards.*

The TA makes many references to benefits of reduced traffic on the A2 to aid its use for sustainable access however the proposed arrangement introduces significant and unacceptable barriers to East-West movement along the A2. NMU desire lines should be as direct and convenient as possible and the combined diversion of the A2 with a priority junction and the new roundabout introduces detrimental impacts on East-West cycling between Teynham and Sittingbourne.

Action - *Further provision is required to facilitate cycling along the alignment of existing A2. It would appear from the indicative masterplan that there could be potential for a two way grade separated cycle lane to be provided under the Southern Arm of the roundabout.*

Action - *Stopping distance visibility needs to be clearly marked on the drawings for our review.*

Sight lines out of the existing A2 from Bapchild have not been demonstrated but would appear to be substandard for a 40MPH Road or a 30MPH to 40MPH transition from the roundabout.

***Action** – Further consideration to be given on the design layout for the A2 east of Bapchild, as this currently appears to be substandard and unacceptable in design. There may be opportunities for bus priority to be incorporated..*

Link North of Bapchild from Junction G – X

The speed limit transition point and proposed speeds from 30MPH to 40MPH at a point just or North of the existing A2 junction is agreed.

The road is designed as a single carriageway which raises significant concern. The first section of the proposed Southern Relief Road is demonstrated within application 21/503914 as being dual carriageway due to the higher levels of two way flows. In the cumulative assessment this section of the A2 has similar, higher in the AM peak, two way flows to that of the proposed dualled road. It is considered that for reasons of highway safety and expected flows that this section should be dual carriageway.

***Action** – Consideration by the applicant on dual carriageway for this section of proposed new road.*

Hempstead Lane is severed across the new road the principle of which is agreed.

All side road junctions have right turn lane facilities. Priority measures would need to be provided for cyclists, further comments on these are made latterly in this response.

The proposed road crosses Public Right of Way ZR191 and ZR192 and the treatment of this should be sought by the PROW and Access Service.

***Action** -There is currently no proposed crossing facilities for the public footpaths which will need addressing.*

The proposed road also crosses an open ditch and a culvert is proposed.

***Action** - Full details of any structures will be required at the appropriate stage in the planning process.*

Shared Use facility - the road is proposed to include a 3m shared footway/cycleway on each side of the road at cross section A. Whilst such facilities are still appropriate in some situations LTN 1/20 is generally advising that purpose build segregated, or part segregated routes be provided of cyclist. In accordance with that guidance update KCC would require a discussion on the most suitable design. Treatment at the roundabouts should be discussed with the Local Highway Authority. Cross section B is only showing a 3m shared facility on the South side of the road being inconsistent with section A for no apparent reason.

Action – *A consistent segregated cycle route to be provided along this section of road in accordance with LTN 1/20 on both sides. This should tie into the shared facility NMU corridor proposed for the access spine road in the development area to the North.*

Carriageway

The carriageway width is proposed to be 7.3m wide which is not agreeable. Cross section A demonstrates a 7.3m carriageway including 5m central ghost treatment which would result in substandard width running lanes. A minimum of 3.2m running lanes would be necessary.

Action – *Applicant to approach KCC as the Local Highway Authority for guidance on the required highway cross section.*

Link North of Bapchild from Junction X to R

The speed limit transition point and proposed speeds from 30MPH to 40MPH at a point just South of Junction X is agreed. This extends the current 30MPH zone from Sittingbourne past the Stones Farm access to Junction.

Comments on the proposed change to the Stones Farm access are made latterly in this response.

Shared Use facility - The road is proposed to include a 3m shared footway/cycleway on only one side of the road. As above, KCC would require a discussion on the most suitable design solution. Treatment at the roundabouts and Stone Farm signals should be discussed with the Local Highway Authority.

Action – *A consistent segregated cycle route to be provided on both sides of this link.*

Carriageway. The carriageway width is proposed to be 7.3m wide which KCC agrees to.

Junction R (A2 West)

Paragraph 4.3.6 mentions that the junction has been designed to maintain the standard and capacity of the consented access however there appears to be a single lane approach to the western arm in the proposal, reducing the capacity from current two lane approach. The existing junction also appears to have been rotated involving what appears to be a complete rebuild of the recently constructed access, this would be strongly resisted. KCC would question the rationale and need for this as it would cause considerable and potentially unnecessary changes to the primary highway.

Action - It is requested that an overlay of the existing layout be placed on the proposals and that the applicant reviews this junction with a view to making amendments that such that the proposals can be built sufficiently off-line. Further consideration for East-West cycling is also required.

Action - Moving North from the junction along the new link road KCC would request details of the interaction between the proposed Stones Farm attenuation pond.

Action - Stopping distance visibility needs to be demonstrated for review of the Local Highway Authority.

Link connecting to the SNNR between junction X to W

Heading to the South, the proposed continuation of the Sittingbourne Northern Relief Road (SNRR) elevates over Lomas Road and the North Kent Mainline railway. 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 with the County Councils Local Transport Plan 4. As it appropriate for this stage of an application, no agreement for the structure has been secured between the applicant, Network Rail and the Local Highway Authority.

Action - Full details of this structure should be provided for review of our structural engineers and direct engagement with Network Rail and the developer will be necessary. Full details and justification for any departures from standards regarding the structure should be provided.

Action - 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.

The design speed of 40MPH for this section of the link road is agreed.

Shared Use facility. The road is proposed to include a 3m shared footway/cycleway on the West side of the road only. Notwithstanding earlier comments on LTN 1/20 there is a distinction between the treatment of the SNRR and the A2. It is therefore agreed that the proposal would be consistent with the existing facilities at on the SNRR. KCC would consider that Junction X would be the most suitable transition between the segregated and shared facilities. KCC would however consider that the 3m provision should be increased to 4m to allow for two way cycling in accordance with LTN 1/20. Treatment at the roundabouts should be discussed with the Local Highway Authority.

***Action** – The shared facility to be increased to 4m side in accordance with LTN 1/20. This should tie into the shared facility NMU corridor proposed for the access spine road in the development area to the North.*

Carriageway. The carriageway width is proposed to be 7.3m wide which is agreeable.

Lomas Road

The provision of the additional link road reduces the necessity for vehicular access along Lomas Road. As such it is advised that a Traffic Regulation Order (TRO) and off-site mitigation scheme removing vehicular access should be provided. A modal filter at this location would then help facilitate an east- west cycle route avoiding the main roads as proposed within the Swale Draft Transport Strategy.

***Action** – Applicant to demonstrate a Lomas Road modal filter scheme in accordance with the Swale Draft Transport strategy in order to promote cycling for the proposed development.*

Junction S, Swale Way

The proposals seek to connect to the existing roundabout placing a Southern arm that replicates the Northern arm layout changing it from an existing three arm to four arm roundabout. Mention is made of mitigation for the Western arm, there is however limited information on the drawing to demonstrate this. KCC requires information on the proposed lane markings, stopping distance visibility lengths and provision of additional North South NMU crossings.

Junction W (Swale Way E)

***Action** - Clarity is sought in regard to the necessity of this junction as there is no development proposed within the application for development to the East. As such the junction merely introduces delay without any apparent justification.*

Junction X

A three arm roundabout is proposed with an express North to East lane. Lane markings and carriageway width for the southern arm is not clear due to annotations on the drawing. Express lanes appear to be 3.5m wide in accordance with CD116 but should be annotated and confirmed as such. Nearside kern radii should be demonstrated for the express lanes.

Inscribed Circle Diameter (ICD) appears to be 58m with 8m circulatory carriageway.

Action - *ICD and Stopping distance visibility splays would need to be demonstrated.*

Junction Y (Local Accesses)

This is labelled to cover four local access points along the proposed main strategic link bypassing the village of Bapchild to the north. Full details of these junction do not appear to be specified and will need to be provided.

Limited information is provided within drawing reference 16-023/6010D. This demonstrates three junctions to the north and one to the south of the road. For the purposes of identifying them, KCC has referenced them Y1-4 starting from the west.

Y1 – Appears to be single lane priority junction entry priority junction presumably for farm access.

Action - *Full details of its geometry, visibility and purpose should be specified.*

Y2 - A new access on to Hempstead Lane to the North. This route is a well used route and clearly needs to remain open.

Action *The model traffic flow diagrams do not report Hempstead Lane flows and should do so in order for assessment of the impact. Full details of its geometry, visibility should be specified.*

Already a known cut through to avoid congestion on the A2 it is considered that the additional development would exacerbate a concern of increased flows along the rural lanes. Consideration should be made to include measures to deter increased traffic along the Church Road/Lomas Road link.

As presented details of the running lane and right turn facility need to be provided.

Hempstead Lane to the south is disconnected as a through route with a turning head provided and the principle of this arrangement is accepted.

Y3 - A new priority junction labelled for future development however none is depicted within the masterplan. It is considered that this is unnecessary to facilitate the application and introduces uncertainty and interruption to the NMU provision on the south side of the new road.

Action – *Removal of the unnecessary junction. Details of this shall be submitted.*

Y4 - A new connection to Hempstead Farm which appears additional to that already available.

Action – *Full details of its justification, geometry, visibility and purpose should be specified.*

Vehicle Access Summary

It is understood that access is not for determination as a part of this outline application, however details of the interaction between the existing and proposed infrastructure is required, as suggested by the applicant, for the purposes of assessing the EIA. For the Local Highway Authority it is equally important that the strategic impacts and assignment of traffic is fully understood. An important component of reviewing the modelling is to understand the design parameters/geometries inputted into the model to ensure accuracy of the impacts presented. In paragraph 5.2.2 of TA volume 4, junctions g,r,s and w are listed as being a part of the proposed infrastructure. KCC would suggest that junction X also needs to be considered in that context. The layout and designs of the route are also important for the applicant to demonstrate that the promoted sustainability credentials of the application stack up. Whilst there are shared use facilities provided along the main routes a lack of consideration for crossing at junctions and multiple at-grade switching across the main roads suggests a disjointed design that is in complete contradiction to the purported sustainability. This provides sufficient evidence to rebut some of the claims regarding the ability to internalise movement and mode shares inputted into the modelling.

Action – *Holistic approach and improvements to cycling/pedestrian facility design and crossings to be provided.*

Other points of access have also been mentioned as follows;

Junction T. A2 east - This junction, located to the west of Froggnal Lane is mentioned as providing a secondary access to the A2 and alleviate some pressure from junction G. It is therefore assumed that this junction is taking flows away from junction G.

Action – Demonstration of how many movements have been diverted through this junction, the rationale for the flows, its modelled layout and its performance.

Further to the above however it does not seem to take account of the consented Froggnal Lane development roundabout, the proximity to it, nor is junction T depicted on the Masterplan. The Masterplan demonstrates an alternative link which would appear to the consented Froggnal Lane development access road and roundabout.

Action - The connections for this element from the south east area of development to the A2 need explaining. On review of the model neither the through route to Lower Road or the dissection of Froggnal Lane has been made. Should the application be proposing access to make use of the existing of the Froggnal Roundabout then KCC will require specific modelling outputs for that layout or one with any improvements required as necessary mitigation. It is suggested that, if achievable, any secondary access should use the consented Froggnal Gardens roundabout connection to the A2, with additional mitigation as required without introduction of the proposed additional Junction T. Flows for those access roads should be presented along with an assessment of their performance.

Junction U – Lower Road

This junction acts as a key connection to Teynham and the mainline train station. The proposals state that this would be a simple priority junction redefining the priority route as being the new development road and Lower Road East. Lower Road West would then become the minor arm. Consideration will need to be demonstrated on the impact of traffic on Lower Road and necessary mitigation measures provided.

Action - There would rightly be a desire line created to and from the Train Station and Lower Road will need to be improved for the existing section leading to for bus, walking and cycling accessibility.

Junction V - Froggnal Lane

The assessment mentions a connection between the development and Froggnal Lane but fails to specify what type of junction will be formed and needs to be explained. It also mentions that Froggnal Lane connects to Lower Road and the A2 which whilst correct at this point in time, does not account for the approved Froggnal Gardens development layout which removes Southbound accessibility to the A2. Introduction of a new vehicular access on to Froggnal Lane would undermine the intention of the approved development to provide a North/South green route along the existing Lane and as such is objected to.

Action - This access is recommended to be redefined as a point for Emergency access only.

Action – Modelling will need to be updated to reflect any amendments made to the above.

Accessibility to non-residential development

Employment and local amenities have been located to the West of the development, close to the main access point. The proposed location is agreed as being the most suitable to facilitate sustainable access, complimenting the existing facilities at Teynham to east and Bapchild to the west.

Primary School

The Masterplan indicates the Primary school as being located to the north of the new access road serving both the development and train station. The internalisation assumption is that 100% of children would access the school by sustainable means resulting in the high volumes of more vulnerable young children needing to cross it. This is considered to be a significant deterrent to sustainable mode choice. Consideration should be made for relocation of the school to a similar location but to the south side of the main access road.

Secondary School

There is no secondary school proposed in this element of the development.

Action - Details of proposed access to secondary schools from this application should be presented.

Framework Pedestrian and Cycle Routes

In general, the proposals within the Framework Plan for walking and cycling routes are well considered. PRow are retained along their existing alignments and within wider green corridors to retain their ability to serve recreational need. Additional walking routes around the periphery of the development will add to the route choice available to the growing population such that the existing resource is not overwhelmed. The public bridleway appears to be located across a green bridge removing it from any interruption through at grade crossing. This would be a valuable amenity subject to the submission of agreeable design detail.

North south routes are well served as are east west routes that appear well considered to be aligned to create direct links between the development and local amenities schools and the train station.

Due to the existing constrained section of Lower Road between the proposed site and Teynham station further off-site improvements to Lower Road would be required to promote NMU access.

Action – Off-site improvements for walking and cycling along Lower Road to the train station to be demonstrated.

KCC would consider that further improvements remain necessary in the area connecting to the west and south of the development. No facilities are shown across the A2 to connect to the proposed “southern” development which would be an absolute necessity to meet the claimed sustainable choice. A connection would also appear to be entirely feasible between the area around the Cricket Ground and the northern extend of Public Footpath ZR192 at Church Road.

Action – Review of the proposed connectivity to the West and South, currently deemed insufficient by the Local Highway Authority, is requested.

Segregated cycling routes are proposed along the primary roads and these would be required to comply with the DfT LTN 1/20.

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 form the transport hub with supporting infrastructure provided throughout the development. It is proposed that the developments electric bike scheme could be expanded to cover wider areas of the Borough.

Parking

The applicant proposes to adopt the Swale Borough Council standards and as such is agreed.

TA document 7: Traffic Impact Assessment

This section of the response is repeated for both applications 21/503906 and 21/503914. The applicant has, rather unusually, sought submitted two separate applications however only assessed the impacts as a cumulative of the two. It is therefore technically impossible for the applications to be assessed independently on highway grounds. The response is therefore on the cumulative impact only.

Should the determining authority choose to approve these applications, KCC's position would have to be that one application could not be approved without the other, due to insufficient analysis of the individual applications being provided.

In preparation of the Swale Local Plan Review, it was determined at an earlier stage in Pre-application discussions that Borough Council, County Council and applicant would commission the build a Strategic Highway Model to be jointly paid for. This provides economic efficiencies for all parties whilst also ensuring that any forthcoming development applications can use the same modal structure and distribution. The base highway model is therefore the same for both this application and the Local Plan and has been validated appropriately and approved by the County Council, Borough Council and National Highways. Reference Case modelling was also completed as a joint approach but has subsequently been independently updated to meet the requirements of the Local Plan test and build brief of National Highways.

Highway Infrastructure assumptions

There have been some revisions to the Local Plan reference case model in terms of highway assumptions that would also be required for the modelling tests for this application.

The additional junction improvements that have occurred since the Borough Council's earlier 2019 reference case model run are as follows;

A2/Love Lane signalisation

A249/Bobbing junction signalisation

Lower Road/Cowstead Corner capacity improvements

B2006/Sonora Way roundabout capacity improvements

Borden Lane/Homewood Avenue mini roundabout

Quinton Road mini roundabouts

Halfway Road Traffic lights

M2/J5

SW Sittingbourne link road between Chestnut St and Boden Lane

NW Sittingbourne Access roundabout and internal link road between Quinton Road and Grovehurst Road

Crown Quay Lane Access to Eurolink Way

Iwade Expansion roundabout to Grovehurst Road

Preston Field link road

Perry Court link between Brogdale and the A251.

Action – Reference case modelling needs to be updated in order to properly assess the developments impact. The Local Highway Authority will be able to provide the applicant with the updated reference case model.

Model Updates

The changes at Park Road and Swale Way are noted.

Action - KCC requests the detail of this is shared with KCC in order for the Swale model to be appropriately amended.

Trip Rates

KCC's response to trip rates is contained within our appended consultant's report.

Highway Infrastructure Assumptions

Paragraph 3.4.8 and 3.4.9 mentions the highway connections added, including the following

- M2 J5A
- Completion of the SNRR Bapchild link
- A SSRR connecting between the A2 and M2

Links from the development and new road to the following have also been added;

- Ruins Barn Road
- Broadoak Road
- Highsted Road
- Church Road
- A2

It is noted that Lower Road is not mentioned despite application 21/503906 creating a link to it. Neither are the flows shown in Appendix C for Froggal lane, Station Road or whatever connection is to be made back to the A2 through the eastern side of that application.

Action – The impact on the traffic flows for the abovementioned streets should be made demonstrated as it would be likely that the new links created to connect them to a strategic network would have an impact.

A review of the SATURN layout has identified that the proposed link to Lower Road is not included.

Ruins Barn Road and access to the south of the A2. Paragraph 3.4.11 identifies that Ruins Barn Road modelling capacity was limited to avoid unrealistic routing of traffic on rural roads. The assumption from this therefore is that the application is generating a demand for use of rural roads through the AONB and along an existing popular rural route using Ruins Barn Road through Swanton Street and Hollingbourne to get to the M20 or Maidstone.

Further to the above, the diagrammatic traffic flow charts at Appendix C do not demonstrate what traffic is flowing south of the M2 on Ruins Barn Road, but show a significant increase above the reference case provided.

***Action** - Further evidence is required as to the traffic impact upon the AONB and in particular towards the route mentioned above.*

Trip Distribution

The trip distribution beyond the development zones uses the same zonal pattern as the Swale Base and Reference cases and as such is agreeable.

Land use assumptions

*The demand modelling for application 21/503906 is advised to be using the following KSP development Summary V27 8000. The numbers presented neither match this application for 1250 dwellings or a cumulative test of 9250 dwellings stated at the outset of Section 7 of the TA. **The modelling evidence is therefore not matching that of the application.***

Table 4.1: Land Uses

Land Use Category	Land Use Sub-category	Units
Residential	Private	6400 dwel.
	Affordable	1600 dwel.
Commercial	Light Industrial (Ind. Estate)	66400 sqm
	Research units	66400 sqm
	Warehouse	199200 sqm
Leisure	Leisure Centre + Sports	3950 sqm
Education	Primary	9 FE
	Secondary	8 FE
Local Centre	Nursery	790 sqm
	Medical Centre	2250 sqm
	Pharmacy	450 sqm
	Retail	5200 sqm
	Foodstore	3620 sqm
	Professional/ Financial	800 sqm
	Community Centre	3000 sqm
	Pub/ Restaurant	2400 sqm

When checking the application 21/503914, this shows the same referenced KSP development Summary V27 8000, however the land uses table is different and does show cumulative Land Use assessment figures. This raises significant concerns as to what is included in the modelling completed.

Action - The TAs need to be appropriately amended and to provide the correct Land Use assumptions demonstrating the impacts of both applications independently and as a cumulative test. Modelling will need to be re-run to demonstrate the applications on their own merits and as a cumulative of the two. It is recommended that section 7 for each application is updated to show the impacts of the above mentioned scenarios.

Net Traffic Impacts

As has been mentioned earlier, the Local Highway Authority is not accepting that the reference case and with development tests provided are appropriate. Notwithstanding this and KCC's comments on the necessary modelling amendments, the information provided demonstrates the cumulative application as an indicative option against Local Plan required growth required in the Borough. Indicatively this shows a reduction of traffic through

Sittingbourne Town Centre, the A249 and the A2. Increases are however then shown on Bell Road/Gore Court Road/Woodstock Road, routes to the south to Hollingbourne, Swale Way and the M2.

Junction Assessments

The applicant includes assessments for 36 junctions, however as the modelling is in need of updating these will be inaccurate. As a consequence, no detailed review has been completed by the Local Highway Authority or its consultants until such a time as the applicant has re-assessed them.

***Action** - The applicant should append scale drawings of the existing junctions modelled. Base model calibration and validation should be carried out for all modelled junctions plus those identified earlier in this response. Subsequently, forecast models should be revised and junctions identified for mitigation should be updated based on capacity assessment results.*

21/503906

The TA provides no information on the performance of the proposed development accesses for application 21/503906 other than Junction G.

Without an ongoing connection to Lower Road this junction assessment will be incorrect.

***Action** – The applicant to update SATURN with the correct links and provide details of how development traffic has been apportioned to each of the access points for the proposed new development area.*

The Bapchild A2 access at Junction G also appears to operate over capacity in the AM peak, this therefore bears doubt into the output of Junction R as traffic is likely to re-assign to that. Junction R already suffers on its A2 western arm with a 17 PCU queue in the AM and a 25 PCU Queue in the PM although this may be able to be balanced out through signal timings.

TA document 8: (Mitigation Proposals)

As for the section above our comments for this section are in respect of a cumulative test only and only for the mitigation presented by the applicant at this point in time.

Junction 21 – Swale Way/Barge Way

The junction is currently a three arm roundabout serving industrial employment to the North including the large waste to energy facility.

The mitigation proposed increases the two lane entry length on the Southern and Western arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Modelling for the mitigation proposed halves the difference between the AM queue to 7.4 PCU. The RFCs remain over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation, as such further work may be required to ensure it operates within effective capacity.

Action – Disproportionate modelling results to be explained.

Junction 22 – Swale Way/Ridham Avenue

The junction is currently a three arm roundabout serving industrial employment to the East. Increases in development traffic results in the junction becoming over capacity on the Swale Way arms.

The mitigation proposed increases the two lane entry length on the Southern and Northern arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Subject to the above the principle of the mitigation proposed is generally agreed as acceptable.

Junction 24 – Swale Way/Bingham Road

The junction is currently a three arm roundabout serving industrial employment to the South. As above the increases in development traffic results in the junction becoming over capacity on the Swale Way arms.

The mitigation proposed increases the two lane entry length on the Southern and Northern arms of the roundabout. The circulatory width will need to be demonstrated on the drawing along with updated modelling evidence. Modelling for the mitigation proposed reduces the AM queue by 11 PCU's. The RFC's remain over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation, as such further work may be required to ensure it operates within effective capacity.

Action – Disproportionate modelling results to be explained.

Junction 32 – Woodstock Rd/Cromer Rd/Ruins Barn Rd/Tunstall Rd

The existing arrangement is a staggered cross roads giving priority to the Woodstock/Ruins Barn Road arms.

The proposal is for the junction to be signalised however there remains queues of 80 PCU's on Woodstock Road in the AM and 48 on Ruins Barn Road in the PM. Three of the 4 arms are operating above 100% DOS. It is noted that the reference case also operates with severe congestion and any development strategy is therefore likely to require some kind of congestion control at this junction. The proposal remains with severe highway impacts and is not accepted by the Local Highway Authority.

Action - Further work is clearly required that would control movements from the application site and this would need to be discussed with the Local Highway Authority with through traffic from either Cromer Road or Ruins Barn Road likely to need some restriction to vehicular movement.

Junction 58 – Woodstock Rd/Bell Rd/Gore Ct Rd/Park Ave

The existing arrangement is a four arm mini roundabout. The proposal retains the roundabout geometry but proposes two lane entry on approaches. Both the exit lanes and circulatory would remain single lanes. The design is sub-standard and not accepted by the Highway Authority.

Although not demonstrated it is anticipated that further mitigation would be required for this application on its own merits. Subject to appropriate modelling evidence the Highway Authority anticipates that there may be a necessity for mitigation for ongoing access to the East of the application's residential development on Lower Road, Station Road and for accessing to the A2 East of the proposed roundabout. Further to that is the earlier mentioned consideration for measures to include bus priority, direct and appropriate facilities for cycling and walking along and across the proposed new link roads and physical measures to improve conditions to support sustainable transport choice along Lomas Road.

Summary

As it has not been possible to review Volume 7 of the revised TA due to the corrupted document available, the previously stated summary is therefore still applicable:

It is technically impossible for the applications to be assessed independently on highway grounds due to the approach taken by the applicant. The TAs need to be appropriately amended providing the correct land use assumptions in order to demonstrate the impacts of both applications independently and as a cumulative test. Modelling must be re-run to demonstrate the applications on their own merits and as a cumulative of the two and against the updated Local Plan Reference Case. Once that is completed, a reflection of the impact of the development can be both tested on its own merits and against alternative growth strategies sufficient to deliver the borough's housing needs.

As portrayed, it would appear that there is a general benefit of traffic re-routing away from existing AQMAs, Sittingbourne Town Centre and many congestion hot spots within the borough. However there remains unacceptable impacts on the Highway as currently demonstrated. Traffic flows amounting to similar levels of the new Local Distributor 7.3m wide Southern Relief Road are found on the Woodstock Road approach to Sittingbourne Town Centre. The flow diagrams at Appendix C show a two way PM flow of 2166 on the existing constrained highway compared to a flow of 1978 at the southern end of the appropriately designed wide development distributor road. This is clearly unacceptable and undermines the value of the new link.

A summary of issues relating to this application –

- 1. Inappropriate modelling and a requirement for additional information.*
- 2. Insufficient facilities at proposed junctions and existing infrastructure to promote the reported benefits to modal shift.*
- 3. SATURN modelling links need to include the proposed connection to Lower Road and A2.*
- 4. Junction performance analysis for the development accesses to be provided.*
- 5. Inappropriate single carriageway proposed for link to the north of Bapchild.*

A summary of issues relating to the cumulative impact of applications –

- 1. Inappropriate modelling and a requirement for additional information.*
- 2. Insufficient facilities at proposed junctions and exiting infrastructure to promote the reported benefits to modal shift.*
- 3. Inappropriate volumes of traffic along the Woodstock Road approach to Sittingbourne Town Centre.*
- 4. Insufficient information on impacts or mitigation for routes through the AONB towards the M20.*

On the basis of the above assessment, KCC would raise a holding objection until such a time as further evidence is provided.

2. Public Rights of Way

The County Council, in respect of Public Rights of Way (PRoW) is keen to ensure that its interests are represented with respect to KCC's statutory duty to protect and improve PRoW in the County. KCC is committed to working in partnership with the applicant to achieve the aims contained within the Rights of Way Improvement Plan (ROWIP) and Strategic Statement for Kent. Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The following Public Footpaths are located within the site and would be directly affected by the proposed development.

- ZU16,
- ZR189
- ZR191,
- ZR192
- ZR193,
- ZR257
- ZR256

Restricted Byway ZR195 is also located within the site and would be directly affected by the proposed development.

The locations of these paths are indicated on the attached extract from the Definitive Map (Appendix A). The existence of the Rights of Way are a material consideration.

In respect of Public Rights of Way, the County Council as Local Highway Authority raises a holding objection on the above application for the following reasons:

- Despite reference to conversations with stakeholders, the County Council, in respect of Public Rights of Way has received no contact from the applicant.
- Incorrect alignments of PRoW routes on plans.
- PRoW strategy only to be determined at Tier 2, and all matters of access not considered at outline stage. For a development of this scale, this is considered to be too late to allow timely discussions and contributions and therefore avoid potential conflict and oversights.
- Insufficient detail provided to fully assess the management and incorporation of the PRoW network both during construction and in operation, particularly given the significant impact on the area over the timescales quoted. The proposed development would both sever and fragment the existing network over a considerable area and considerable period. Our response reflects the cumulative effect on the Borough from this Application and Application 21/503906.
- Various significant Transport Assessments not on the Swale Planning Portal, Vols.4,6,8, including re mitigation. Mitigation cannot therefore be addressed; it is expected that many elements relating to the mitigation of adverse impacts on PRoW and their improvement in support of active travel, amenity and leisure benefits will be subject to TCPA 1990 section 106 agreements and/or conditions.

The County Council retains the commentary raised in its previous response dated 30 November 2021 and would draw attention to the following matters raised within this original response, of which there is **no** mention within the documents provided:

*The County Council requires that a **PRoW Management scheme** is provided to include **each** Public Right of Way affected, to cover pre-construction, construction and completion over the prolonged phasing schedule. A separate scheme should be provided and agreed as **each** Phase comes forward for approval in the described Tier process. All details to be approved by KCC PRoW and Access Service prior to commencement of any works if permission is granted.*

Landscape and Open Space Strategy Addendum

Section 1.3, Landscape Changes Teynham West – References to PRoW are required for clarity and context and there is a need to differentiate between Public Footpath and Restricted Byway. The PRoW routes appear to run through residential areas and alongside roads which is unacceptable. The significant Landscape and Visual impact which together with impact on air quality and on noise, will have serious effect on the amenity of multiple PRoW routes.

Section 1.4, Changes to the Linkages Framework – the reference to a PRoW strategy being determined at Tier 2 stage is not acceptable to the County Council. The Linkages Framework Plan is not clear, there are no PRoW references, and routes appear to run through residential areas and alongside roads which is unacceptable. The proposed diversions are also unclear – the County Council is therefore unable to comment on these.

Parameter Plan Development North – The legend is unclear. The County Council also notes that the reference to “footway, cycle path. Bridleway connection” raises a question whether these are proposed or existing PRoW. The County Council also requests that PRoW are included on this plan.

Framework Parameter Plan, Pedestrian & Cycle – The County Council requests that PRoW routes need specific references for clarity and context. The quality of the plan is poor and difficult to read. Again, the quality of the plan makes it unclear; PRoW routes appear to run through residential areas and alongside roads which is unacceptable and will be affected by the relief road. Overall, the impact on PRoW in respect of lack of amenity – noise, air quality, landscape and visual is not acceptable.

Framework Plan Access and Strategic vehicular routes – The County Council requests that this is geo-referenced with the PRoW routes for context and ensure holistic approach is truly taken. The PRoW routes and vehicular access have to link to provide overall transport strategy.

Environmental Statement Transport Vol. 3 Site Context

The County Council notes that not all volumes have been updated as part of this revised application material.

Volume 3, Site Context – Section 3.2 Walking and Section 2.3 Cycling – The County Council requests further information and evidence to support these sections. At present, these sections contain no consideration of Non-Motorised-Users and there are potential conflicts on rural lanes which are not, as considered within the application documents, “lightly trafficked”. The County Council notes that the cycling proposals do not mention the opportunities given by improving Bridleways for Active Travel as well as leisure routes. This will need to be provided before the application is determined.

In respect of Teynham Station access, as per the previous County Council response, the access is currently congested. The access has a PRoW running over the at grade level crossing, has very limited parking, narrow and congested highway access, and limited space for bus drop off, all of which require discussion with the rail operators. The County Council would expect the applicant to go further than evaluating “opportunities to enhance cycle parking”.

In respect of the Sustainable Transport Strategy – these contain very admirable objectives but there is very little detail around the deliverability. It is disappointing that the green grid is not a priority for walking and cycling – which are only described as being generally segregated. For an application with the objective of proposing a high-quality, forward-looking development, off road walking and cycling provision should be a basic priority.

In respect of Section 6.4, Leisure Walking Pedestrian – PRoW should all be within green, open corridors and not affected by estate or access roads. It is disappointing that the applicant has not recognised the importance of PRoW routes as Active Travel opportunities.

Section 6.5, Walking Beyond the Development – Given the scale of the development, it is disappointing that the opportunity to create quality off road walking and cycling routes connecting to the wider area in all directions and the amenities offered has not been further explored – this should be considered further. To propose utilising existing footways along the A2 is not acceptable.

Section 7.1, The Role of Cycling - The County Council is disappointed to see no reference of PRoW routes with cycle rights and again the opportunities presented (Bridleways, Restricted Byways). These routes can form strategic links both on and off site. There is also no consideration of on-site upgrades to create new links on existing routes.

The County Council would advise that a financial contribution, in the form of Section 106 Agreement funding should be allocated to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network as the area is developed. The County Council is unable to provide figures for such funding with the information currently provided in this application. However, significant measures will need to be taken to help mitigate the impact and to future proof sustainable Active Travel across the wider area of the Borough. The increase in investment and policy from both central and local government towards a modal shift away from short car journeys should focus this project to provide a sustainable development for the future.

Active Travel access is essential from the outset of any work commencing to enable both new and existing users to access amenities both within and off site (schools and community

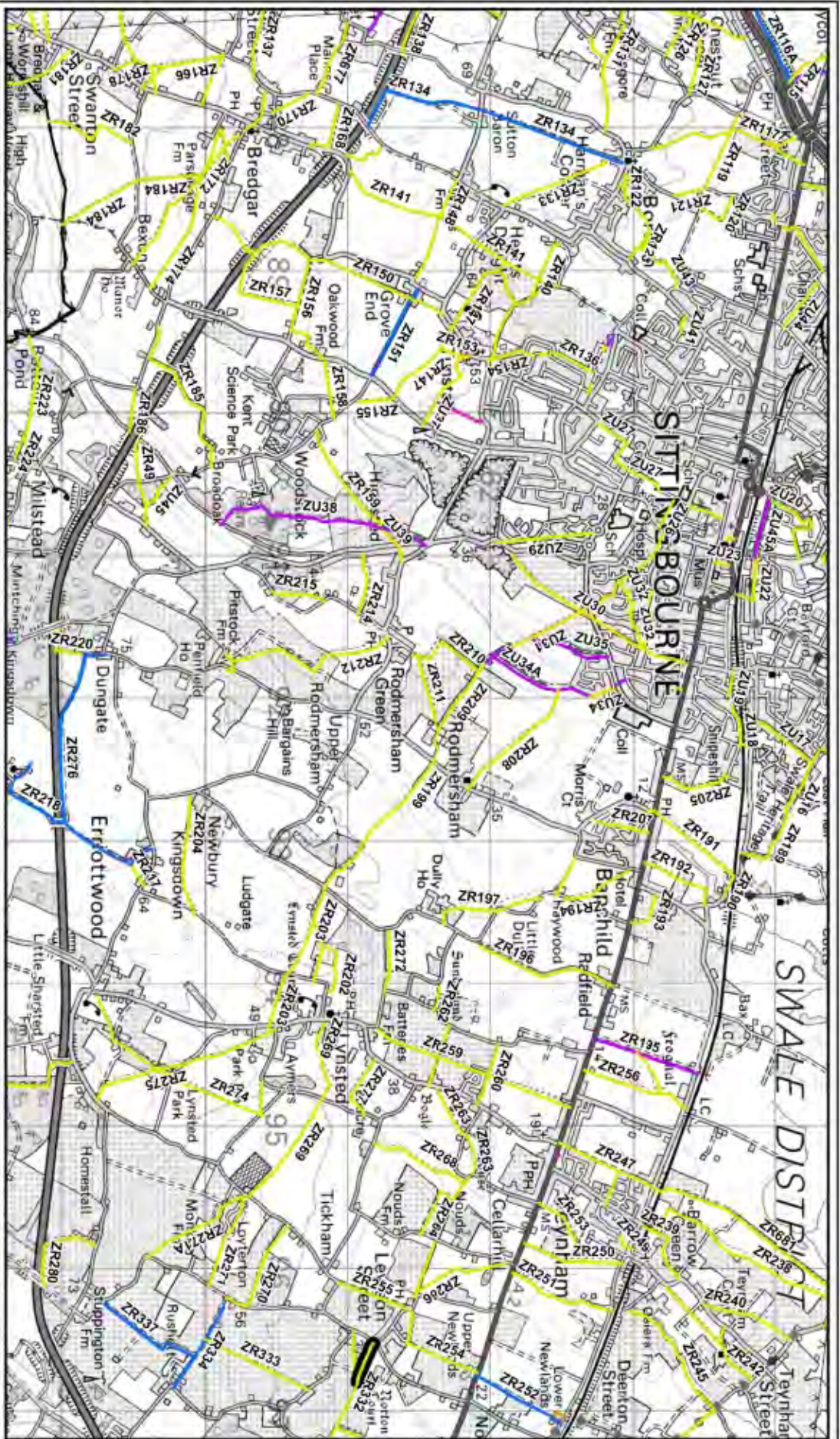
facilities). There can be no disruption or potential danger to public use of the network; any delay to the upgrading and/or construction of Rights of Way, cycle routes and other related works to the PRoW networks, would only increase the already significant impact on new and existing residents. All of these require commitment to Active Travel, connectivity of developments, sustainable transport, and the protection of and enhancement of the local area rural character.

The following points from the County Council's previous correspondence at Scoping stage are also reiterated below and should be picked up as part of this application:

- *The likely usage and visual impact on users participating in recreational activity on the above-mentioned footpaths and restricted byways.*
- *The likely loss of recreational walks within open countryside.*
- *The viability of upgrading existing PRoW, as a means of providing Active Travel walking and cycling between residential dwellings, education facilities, employment hubs and local amenities, to encourage active travel.*
- *The creation of new walking, cycling and equestrian routes that connect the site with the surrounding countryside, providing opportunities for outdoor recreation.*
- *The provision of safe crossings points over the A2 for non-motorised PRoW users, to address safety concerns and improve network connectivity.*

In consideration of Kent Design standards and Police guidance, any forthcoming master plan should keep PRoW within overlooked areas of Open Space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PRoW network. KCC would ask that this information be provided before the application is determined.

Appendix A – Extract of the Network Map



17/506551/EIASCO - Public Rights of Way Map

- Key**
- Public Footpath
 - Public Bridleway
 - Restricted Byway
 - Byway Open to All Traffic

Please note: this map extract is not a legal record of the alignment or existence of a public right of way. No measurements should be taken from it.



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Created by:	TK
Checked by:	TK
Issue Date:	10.01.2018
Reference:	17/506551/EIASCO
Scale:	1:35,000



3. Provision and Delivery of County Council Community Infrastructure and Services

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it 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).

KCC notes that this application has been submitted concurrently with Highsted Park South application SW/21/503914, and indeed provisions have been proposed for the joint sites, particularly Secondary education. However, the applications are separate and will be reviewed independently. KCC would therefore wish to draw the Local Planning Authority’s attention to particularly the Secondary and Special Education Need requirements, and how these matters should be dealt with if the applications proceed independently.

Request Summary

	Per 'Applicable' House (1035) *	Per 'Applicable' flat (68) *	Total	Project
Nursery	26 place Nursery at the new 2 Form Entry Primary School – Provided as part of the 2FE Primary School			
Primary Education	£6,800.00	£1,700.00	£7,153,600.00*	New on-site 2FE Primary School
Primary Land	1 No. 2FE Primary School site of 2.5ha at 'nil' cost to the County Council (transferred as per KCC's General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£588,941.33*	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	£5,176.00	£1,294.00	£5,445,152.00*	Towards new Secondary School to serve this development
Secondary Land**	New Secondary School site to be provided independently by this application if the Highsted Park (North) proposal proceeds without the Highsted Park (South) application, at no cost to the County Council, or if provided on the South site where Highsted Park (North & South) proceed together, the North Site to contribute proportionately as below:			
	£2635.73	£658.93	£2,772,791.47*	Towards land acquisition costs of a new Secondary School

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, KCC will reassess the requirement for education places.

* The County Council has used the housing mix referenced in the October 2022 Planning Statement Addendum Para 3.4 Table 3.1). The applicant has advised in correspondence that 10% of 2 bed flats/houses will be restricted to occupancy for over 70s. KCC 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.

Should either the mix or age restricted unit numbers change, the County Council reserves the right to reassess the requirement for education places.

** Secondary land & SEN – Irrespective of whether the Highsted Park North and South sites proceed jointly or independently, KCC 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 if it proceeds independently from Highsted Park North.* Alternatively, the combined Highsted Park North & South sites will require a new on-site Secondary School and contributions towards SEN School land and build costs. As Highsted Park is a split site and if the Secondary is located on the South site, a *Development Equalisation Agreement* will be required between the North and South sites (if they are in separate ownerships) with this North site contributing proportionately towards the Secondary School site on the South site.

	Per Dwelling (x1250)	Total	On Site Community Buildings	Project
Community Learning	£16.42	£20,525.00	Free use of on-site Community facilities for classes, plus provision of secure storage for	Towards additional resources (including portable teaching and mobile IT equipment), and

			equipment	additional sessions and venues for the delivery of additional Adult Education courses locally.
Youth Service	£65.50	£81,875.00	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 upgrade of existing youth facilities, including the New House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees
Library Bookstock	£55.45	£69,312.50	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 works to Sittingbourne Library to increase capacity to meet the needs of the development.
Adult Social Care	£146.88	£183,600.00	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 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)			
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 KCC Social Care, Community Learning, Libraries and Youth Service.</p>			
Waste	£183.67	£229,587.50	Towards a new Household Waste Recycling Centre on the Highsted Park South 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 KCC's General Transfer Terms, should either the North 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</i>			

	<i>Land Equalisation Agreement with this North site contributing its proportionate share.</i>
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>

Please note that these figures:

- are subject to review and are currently index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (April 20 Index 360.3)
- are valid for 3 months from the date of this letter after which recalculation may be required 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 KCC for the Education contributions if the applicant wishes to pay the contribution in instalments. If the contributions are paid in instalments, the applicant will also be required to cover KCC's borrowing costs for the construction of the schools.

Justification for infrastructure provision/development contributions requested

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the accompanying 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 of all Reserved Matters final mix– the proposed North development is estimated to generate up to **295** primary pupils, equivalent to 1.4 Forms of Entry (FE). KCC commissions new primary schools as either two or three forms of entry, and therefore 1No. 2 Form Entry Primary school will be required to support the (North) development. The site proposed for a 2FE primary school is 2.5Ha of land, this should be transferred in accordance with KCC General Site Transfer terms (attached). The location of the site is to be agreed with KCC as the Statutory Education Authority.

The County Council requires a financial contribution towards construction of the new school at **£6800.00 per ‘applicable’ house** and **£1700.00 per ‘applicable’ flat** (‘applicable’ means: all dwellings, except: 1 bed of less than 56sqm GIA and any sheltered/extra care accommodation).

Please note this process 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.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2021-25 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

Applicants Proposal – Primary School Site/Indicative Locations/Phasing

The application is showing 1 primary school site of 2.5ha in Highsted North land Use Structure and Planning statement. KCC would welcome more information upon housing delivery timescales along with proposed 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 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 delivery to meet demand.

Highsted North Primary School

The Masterplan: North (Drawing Number 2952-100) 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 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 KCC will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before KCC 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.

Nursery and Pre-School Provision

KCC has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst KCC 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. KCC 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 provision

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

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

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

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

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in **Appendix B**. The indicative housing mix (endnote (i)) provided by the applicant has been used to calculate the Secondary Education need created by the development.

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

Secondary Education provision in the Borough is already at a critical point, with a significant deficit in places, as extant permissions are built out, and KCC 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 a new Secondary school is required. Should this application not provide this infrastructure, the County Council will be unable to meet the needs of the new population for secondary education places and the application will be unsustainable on educational grounds.

The development is projected to produce up to 210 secondary pupils (based upon the development project mix (end note (i)), and subject to clarification upon the number of Sheltered/extra care accommodation), equating to 1.5 Forms of Entry. To accommodate this additional demand, a new Secondary School will need to be supplied independently (if Highsted Park North proceeds separately) or integrated within the overall Highsted Park (North & South) development in the form of a new 8FE secondary school on a site of 10ha in accordance with KCC General Site Transfer terms (attached).

The County Council requires a financial contribution towards construction of the new Secondary school at £5176.00 per 'applicable' house and £1294.00 per 'applicable' flat ('applicable' means: all dwellings, except: 1 bed of less than 56sqm GIA and any sheltered/extra care accommodation).

Secondary School Site

The County Council also requires 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 LEA) in accordance with the attached KCC General Site Transfer Terms. Should this application proceed in isolation of Highsted Park (South), the County Council will be unable to meet the needs of the new population for secondary education places. KCC will therefore, require this application to **provide a secondary school site at nil cost** to the Local Education Authority with the first phase open by 600 occupations.

Greater detail of any 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. KCC will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before KCC 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.

KCC notes that a site size of 9ha has been offered and not the 10ha requested. KCC 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 **£2648.91 per 'applicable' house** and **£662.23 per 'applicable' flat** will be required through a Development Equalisation Agreement.

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 KCC 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.

Community Learning

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

To accommodate the increased demand on KCC Adult Education service, the County Council requests **£16.42 per dwelling** towards the cost of providing additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally. Adult Education will also require an agreed level of free use of on-site Community facilities for classes, as well as provision of secure storage for equipment.

Youth Service

To accommodate the increased demand on KCC services the County Council requests **£65.50 per dwelling** towards additional resources and equipment to enable outreach services delivery in the vicinity, and upgrade of existing youth facilities, including the New House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees, along with an agreed level of free use of on-site Community Facilities for meetings & sessions locally, as well as secure storage within the new facilities for equipment.

Libraries

KCC is the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

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

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

The County Council therefore requests £55.45 per household to address the direct impact of this development, and the additional resources, services, and stock will be made available

locally through 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 works at Sittingbourne Library, as and when the monies are received.

Adult Social Care

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

KCC is the Statutory Authority for Adult Social Care. The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services. However, all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, with no spare funding available to address additional capital costs for social care clients generated from new developments.

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

- a proportionate monetary contribution of £146.88 per household (as set out in Appendix D) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places locally in the Borough.
- Free use of new Community Facilities on-site for meetings, group and therapy sessions
- Community Buildings to contain:
 - Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with [Changing Places Toilets \(changing-places.org\)](http://changing-places.org).
 - Provision of secure storage for KCC Social Care, Community Learning, Libraries and Youth Service.
 - Community Buildings design that is Dementia friendly with dementia friendly decoration and signage.
 - Community Buildings' catering areas to be compliant with the Equality Duty 2010, including adjustable height work surfaces, wash areas, cupboards etc.
- The Department for Levelling Up, Housing & Communities (LUHC) identified in June 2019 guidance *Housing for older and disabled people* the need to provide housing for older & disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely. Accessible and adaptable housing provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. Kent Social Care request these dwellings are built to Building Reg Part M4(2) standard to ensure they remain accessible throughout the lifetime of the occupants to meet 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. KCC would encourage any new residential care home provider to join the KCC Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, KCC recommends that the applicant works with KCC Adult Social Services to develop the most appropriate form of care delivery ahead of determination of this application.

Advisory on Supported Living Accommodation

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

Waste

Recycling and Waste Management Strategy

Section 2.4 Regional and Local Waste Policy does not include reference to the following KCC documents which are relevant to the assessment.

- The [Kent Waste Disposal Strategy](#); a key document in setting out KCC's current position, identifying the future pressures and outlining how KCC will maintain a sustainable waste management service.
- The [Kent Design Guide](#) should also be referenced, in particular the section on waste minimisation and recycling.

Section 4 Management of Operational Waste

This section describes in detail the anticipated waste volumes that will be generated by the development and how it will be designed to provide the required bin infrastructure. It does not go into detail regarding what happens to that waste once it is collected and the impact upon KCC's Waste Disposal Service. The only reference to what happens after it is collected comes in Section 5, Summary and Conclusion.

"5.1.11 Residential waste generated by the development will be collected by Swale Borough Council and is designed to be recovered or disposed of in accordance with the Kent Resource Partnership's Joint Municipal Waste Management Strategy."

Currently all kerbside collected waste in Swale is taken to a single KCC owned Waste Transfer Station (WTS) in Sittingbourne, where it is bulked up before being sent on for final disposal. The addition of some 421 tonnes per week as stated in para 4.2.4 will place significant demand on the WTS facility, **which is already at capacity.**

Environmental Statement: Vol 3 Non-Technical Summary

Unlike the Recycling and Waste Management Strategy, the ES does consider the impact on KCC's Waste Disposal Service. KCC suggests this is added to the Strategy document for completeness.

KCC is pleased to see the demand on the WTS recognised and fully supports the proposed mitigation. KCC would like to see the wording in section 14.17 strengthened to provide a firmer commitment to the provision of developer contributions towards the new HWRC and WTS redevelopment. Suggested text below for consideration:

*~~"It is likely that~~ Developer contributions are necessary and will be used to support the construction of a new Household Waste Recycling Centre (HWRC) on 1 Hectare of land on the Highsted Park development to the south of Sittingbourne Town Centre **and contribute towards the redevelopment of** ~~. This would allow the existing waste transfer station at Sittingbourne. This will allow it to expand onto land already occupied by a HWRC and therefore increase the sites operational capacity."~~*

To accommodate the increased waste throughput and mitigate the impact arising from this development, a contribution of £183.67 per household is required towards a new Household Waste Recycling Centre within Highsted Park and increases in capacity at the existing Waste Transfer Station in Sittingbourne.

A new Household Waste Recycling Centre site of 1.5ha is also required at no cost to the County Council. This may be within Highsted Park South, if Highsted Park South proceeds concurrently with this application, otherwise the new Household Waste Recycling Centre site will be required independently.

Implementation

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement, and County monitoring fee of £500 for each trigger within the Agreement. KCC would be grateful if you could share at your earliest convenience a draft copy of any section 106 agreement or UU prior to its finalisation.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available? If you do not consider the contributions requested to be fair, reasonable, and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow us 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 B - School Land costs

Education

Site Name	Ld west of Teynham, Highsted Park North, Sittingbourne
Reference No.	SW/21/503906
District	Swale

	Houses	Flats	Total
Unit Numbers	1035	68	1103

Primary Education			
		Per house	Per flat
<i>Primary pupil generation rate</i>		0.28	0.07
New Primary Pupils generated from this development			295
New Primary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£24,286	£6,800	£1,700
Contribution requested towards New Primary School Build			£7,153,600.00

Secondary Education			
		Per house	Per flat
<i>Secondary pupil generation rate</i>		0.20	0.05
New Secondary Pupils generated from this development			210
New Secondary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£25,880	£5,176	£1,294
Contribution requested towards New Secondary School Build			£5,445,152.00
New Secondary School site contribution			
Residential Land Price per acre for Swale			£600,000
	Pupils	Hectares	Acres
<i>6FE Secondary School</i>	900	8.00	19.768
	per Pupil	per House	per Flat
<i>Land Rate</i>	£13,178.67	£2,635.73	£658.93
Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by development/Number of pupils in New Secondary School) = 19.768 x 600000 x (210.4 / 900)			
Contribution requested towards New Secondary School Site			£2,772,791.47
Total Secondary Education Build and Land contribution			£8,217,943.47

Education

Site Name	Ld west of Teynham, Highsted Park North, Sittingbourne
Reference No.	SW/21/503906
District	Swale

	Houses	Flats	Total
Unit Numbers	1035	68	1103

Special Education Needs			
	Per house	Per flat	
<i>SEN pupil generation rate</i>	<i>0.016</i>	<i>0.004</i>	
New SEN Pupils generated from this development		17	
New Special Educational Needs contribution			
	per Pupil	per House	per Flat
<i>Blended Rate</i>	<i>£50,893</i>	<i>£560</i>	<i>£140</i>
Contribution requested towards New SEN School Build			£588,941.33

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 C - Communities' assessment

Development Contributions Assessment

Site Name	Land west of Teynham (Highsted Park North) Sittingbourne
Reference No.	SW/21/503906
District	Swale
Assessment Date	08/09/2021
Development Size	1,250

COMMUNITY LEARNING & SKILLS	
	<u>Services</u>
Current Service Capacity	2,108
LESS Current adult participation in Swale district	2,214
Initial capacity shortfall/surplus (Year ending 2019)	-105
New adult participation from this development	44.86 clients
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£16.42 per dwelling</u>
1250 dwellings from this proposal	<u>£20,525.00</u>
<i>additional sessions and venues for the delivery of additional Adult Education courses locally.</i>	

YOUTH SERVICE		
	<u>Centre and Hub based Services</u>	<u>Outreach and Targeted Services</u>
Current Service Capacity	1,811	975
LESS Current youth participation in Swale district	1,901	1,024
Initial capacity shortfall/surplus (Year ending 2019)	-91	-49
New youth participation from this development		62.5 clients
Will service capacity be exceeded?		YES
Contributions requested from this development		<u>£65.50 per dwelling</u>
1250 dwellings from this proposal		<u>£81,875.00</u>
<i>House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees</i>		

LIBRARIES	
Libraries assessed for this development	<u>Library Stock and Services</u>
Current Service Capacity	17,288
LESS Current library participation in Swale district	18,152
Initial capacity shortfall/surplus (Year ending 2019)	-864
New borrowers from this development	364.5 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£55.45 per dwelling</u>
1250 dwellings from this proposal	<u>£69,312.50</u>
<i>works to Sittingbourne Library.</i>	

Net contributions requested for KCC Communities' Services

£171,712.50

Appendix D - Social Care requirement

SOCIAL CARE ASSESSMENT REPORT

KCC Social Care, Health and Wellbeing

Development Contributions Assessment over the planning period 1/1/2019 to 31/12/2039

Site Name	Land to the West of Teynham (Highsted Park North)
Reference No.	21/503906
District	Swale
Assessment Date	06/01/2023
Development Size	1,250
Net Social Care contributions requested:	
Social Care and Health Services	£183,600.00
<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>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</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: <i>Forecast SC clients generated from ALL proposed developments within the District (up to 2039)</i>	251 client(s) 3,296 clients
Contributions requested from this development <i>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.</i>	£183,600.00

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 commentary direct to the Borough Council on 9 December 2022 (Appendix E).

Appendix E – Minerals and Waste Planning Authority Response

From: Bryan Geake - GT GC
Sent: 09 December 2022 12:56
To: planningsupport@midkent.gov.uk

Subject: Application Reference: 21/503906/EIOUT Location: Land To The West Of Teynham London Road Teynham Kent

Dear Andrew Lainton

Application Reference: 21/503906/EIOUT 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. Location: Land To The West Of Teynham London Road Teynham Kent

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application.

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

*A review of the superficial geology of the site of the proposed development at Teynham West, near Sittingbourne has been completed to ascertain the potential for the presence of brickearth deposits. Geological mapping and ground investigation data provided by the client have indicated the presence of brickearth deposits within the proposed area of the development. Two unconstrained areas mapped by the BGS as containing head deposits have been identified, **both of which have a good likelihood of containing potentially viable brickearth deposits.***

*In order to address the requirements of KMWLP Policy DM7 **further assessment** of areas **B.A** and **B.B** is required to determine the following:*

- **The quality of the brickearth deposits.** This would be achieved by further sampling and ceramic testing of the deposits by a suitable laboratory and/or a brick manufacturer.
- **The quantity of the brickearth.** This would be achieved by further trial pitting across the assessment area, to measure the depth and lateral extent of the deposits.

It is recommended that the further assessment of the potentially viable areas is completed prior to the detailed Tier 3 Reserved Matters application for the development, at the Tier 2 Key Phase. The full design of the proposed development will further inform the consideration of potential sterilisation and prior extraction of mineral resources. Should a deposit of sufficient quality be identified that would be at risk of sterilisation by the proposed development, engagement with local brick manufacturers should be pursued to ascertain the demand, and therefore value of the mineral. Options for prior extraction can be explored as part of the detailed design process for the proposed development. Given the large scale of the proposed development, it is likely that significant earthworks may be required, with areas of cut and fill for transportation routes and creation of development platforms. The consideration of the potential mineral deposits should be included in the design process, whereby the extraction of the potential mineral deposits could create void space for storage of other site derived materials.

Essentially, the process of mineral safeguarding is incomplete at this stage of the application. It is recommended that the applicant determine if prior extraction of a viable mineral deposit is possible with advice from an operator who could correctly assess viability. The somewhat arbitrary recommended use of 100m standoffs to existing residential properties is questioned. As this is a superficial mineral deposit that would not be significantly impactful to such receptors, especially when topsoil storage bunding could be used as acoustic mitigation measures at sensitive location. The use of arbitrary distanced standoffs can artificially reduce the quantity of available mineral resources to below viability, when simple mitigation could render such standoff distances unwarranted.

Moreover, it is not considered that the consideration of landwon mineral safeguarding of an area (combined areas of Area B.A and B.B and amount to 98,274m squared) represented in the application can be left as a detailed reserve matter at a later planning application stage. As the combined areas could easily represent the quantity of what is generally considered the viability break point by Wienerberger UK Ltd (this being 50,000 m cubed), as only 1.0m in dept of usable mineral resources could yield 98,274 m cubed in volume and thus apply a density factor of 1.6 tonnes per cubic metre the potentially sterilised mineral resource could be 157,238 tonnes of Brickearth resources (and more if smaller stand-off distances are applied and/or the depth of the useable mineral is greater). A prior extraction of minerals at this scale could have significant implications for the deliverability of the development proposed. The matter is, it is considered, too fundamental to the determination of the acceptability of the development, even at an outline stage, to be adequately addresses as a reserved matter later on.

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

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 on 31 January 2023 (Appendix F).

Appendix F – Lead Local Flood Authority Response

Andrew Lainton
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: 27 January 2023

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 the Flood Risk Assessment and Surface Water Drainage Strategy contained within chapter 12 of the Environmental Statement is a resubmission of the earlier May 2021 submission and no new information has been provided.

Within the LLFA's previous consultation response (KCC Wide Response 30/11/2021), we raised several items for further clarification. As the report is not updated, we would deem that those comments remain valid. Further to those comments, we would now highlight that the climate change allowances have been updated since the report was submitted (May 2022). For the design of the drainage system, we would now seek the higher allowance of 45% is applied for the 1% annual exceedance and 40% for the 3.3% exceedance.

For reference our previous comments have been reiterated below:

1. Drainage approach

The Water Cycle Strategy by C&A Consulting states that 1 in 100 year greenfield runoff rate has been calculated as 3.1 l/s/ha. We would note that it is usual that any surface flows are controlled to QBAR or the 1 in 2.5 year rainfall event which would be less than the stated rate.

Infiltration was found to be reasonable on the east of the site within the proposed residential area, which can be utilised for individual house soakaways. The western portion of the site was found to have poor infiltration and will be managed by controlled discharge to existing dry valleys. A small watercourse is located in the western part of the site.

The Surface Water Drainage Strategy (page 18 of 39 pdf) does note that groundwater was encountered alongside the northern boundary at depths of 3.6m to 4.15m below ground level.

Development within the proposed site area will result in an increase in surface water flows through the increase in impermeable areas. It is proposed to manage flows where possible through infiltration within the parcel areas.

The concern is that a high-level strategy assessment does not provide enough information to determine how much area must be allocated to surface water management as well as potential overland flow path provision. This has a direct implication on the developable area and unit capacity of the proposed development.

2. Overland Flow Paths

There are two dry valleys which pass through the proposed development. The surface water flood mapping produced by the Environment Agency is based upon many assumptions but is generally indicative of areas which may require further review.

Our discussion with the applicant has focused upon protection of these overland flow paths, acknowledging the general uncertainty as to when and if they are utilised given the underlying permeable geology. The proposed development layout incorporates the westerly flow path with open space whilst the eastern flow path is managed through re-profiling to relocate the flow path.

A further surface water overland flow path does cross the residential areas of R06 through R11 and it is indicated to be managed within a channel which is yet to be determined.

3. Construction impacts

The ES states that mitigation for construction phase will be managed through Construction and Environment Management Plan (page 559 of 917). It is important that a phasing plan for the drainage system is submitted for review and approval prior to commencement to ensure that adequate drainage is provided at appropriate times for phases and earthworks coming forward.

Summary

The general approach to surface water management to make provision for the overland flow paths, with modifications of ground levels where needed and the general utilisation of infiltration where possible is agreed as appropriate.

However, the scale of development and strategic assessment do not provide sufficient information so that we could state that there is adequate provision for surface water within the indicative masterplan, as this is best assessed on a phase basis at a larger scale.

We do not agree with the calculation of an average discharge rate for the site based upon the 1 in 100 year peak runoff rate for the wider site. We would recommend that this is considered for specific zones and refined within a strategic surface water drainage strategy.

We expect infiltration to be feasible but have concerns that it is location specific, and it is very important the detailed ground investigation supports masterplanning for each phase to

ensure infiltration measures are in feasible locations. This ground investigation should also consider potential ground water levels.

We would also expect that any surface water provision is integrated into open space to maximise benefits and multi-functionality.

We do not have an objection in principle to the proposed development and anticipate that surface water may be managed appropriately within each phase of development but this must be assessed in sufficient detail within an outline application to assess magnitude of attenuation areas and overland flow path routes and therefore the ability of the site to deliver the proposed development.

We would recommend a holding objection until specific information is provided to support the sizing and location of infiltration drainage measures and demonstrating that these features can be integrated within the open space provision with appropriate setbacks.

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
Flood Risk Project Officer
Flood and Water Management

6. Heritage Conservation

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

7. Biodiversity

The County Council, in respect of Biodiversity matters provided the following commentary direct to the Borough Council on 9 December 2022 (Appendix G).

Appendix G – Biodiversity Response



ECOLOGICAL ADVICE SERVICE

TO: Andrew Lainton

FROM: Helen Forster

DATE: 13 January 2023

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 have not been carried out as part of this application therefore we advise that it is unknown if the proposal will result in the direct loss of a bat roost. However we acknowledge that the features have all been assessed as negligible/low potential and therefore it is likely that where bat roosts are present appropriate mitigation can be implemented. However to fully understand the ecological impact it is preferred if all survey information is submitted prior to determination. This advice is in alignment with paragraph 99 of ODPM 06/2005 which states *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*.

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. We highlight that an updated site visit has not been carried out and the mitigation strategy has been based on the existing survey which (other than the updated wintering bird survey) is based on survey data which is at least 2 years old. We acknowledge that for the majority of species theoretically 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 report has tried to address this point by detailing that dedicated amenity areas and informal recreation 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 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) cannot be retained on site due to their requirement for open spaces. No information has been provided detailing how farmland birds 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.

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

8. Sport and Recreation

The County Council notes that the application states that Green areas are to be used for informal and formal open spaces which may include sport and recreation with associated lighting, all weather pitches, multi use games areas, play spaces, including imaginative play, biodiversity areas, community gardens and allotments.

There is a need and demand for all weather pitches in the area as those in the area are hugely over subscribed and based on school sites. An All weather pitch would be a significant asset to this community. Football Foundation and F.A are working jointly on Local Football Facility Plans (LFFP's) that show their targeted investment over the next 10 years. In Swale they could benefit with a large financial contribution to an all weather pitch as a result.