



Matt Duigan
Swale Borough Council
Development Control
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

BY EMAIL ONLY

Growth and Communities

Invicta House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 411683
Ask for: Stephanie Holt-Castle
Email: Stephanie.Holt-Castle@kent.gov.uk

26 June 2024

Dear Matt,

Re: Outline application with all matters reserved for a proposed development at land south and east of Sittingbourne, Kent [application reference: 21/503914/EIOUT]

Thank you for consulting Kent County Council (the County Council) on the outline planning application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works.

The County Council notes that this application has been submitted alongside a related proposal for land to the west of Teynham Road (reference 21/503906). A separate response is being made in respect of that application, and where appropriate, the cumulative impact of these two applications is considered. Commentary will make it clear where this is the case.

The County Council draws reference within this response to the prior responses submitted in respect of this, and the related land to the west of Teynham Road application – these

responses were provided on 30 November 2021 and 1 March 2023 and are available on the planning application portal for reference.

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

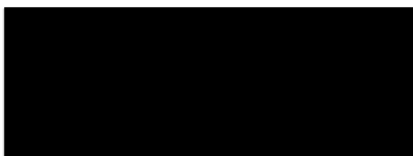
- The proposal requires appropriate modelling and information to provide the County Council, as the Local Highway Authority, with an adequate understanding of the impact of the development in respect of highways and transportation and necessary mitigation measures to be implemented. The response below sets out clearly the actions required from the applicant.
- The changes made to the application do not reflect prior comments or advice from the County Council as Local Highway Authority responsible for the Public Rights of Way (PRoW) Network. The amendments / additional information do not alter the significant adverse impact on the recorded PRoW Network and the significant loss of open countryside. 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. As such, the concerns set out in County Council responses dated 30 November 2021 and 1 March 2023 remain.

The County Council has reviewed the application in its entirety and has an extensive commentary to raise in response to the proposal, set out clearly below, in a subject chapter format. The County Council is disappointed to note that matters raised during earlier consultations have not been addressed and would urge the applicant to engage with the County Council as soon as possible to resolve the outstanding matters.

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, with the aim of delivering sustainable growth.

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

Yours sincerely,



Stephanie Holt-Castle
Director – Growth and Communities

Contents

1. Highways and Transportation	5
Transport Assessment (TA) Document 3: Site Context.....	5
TA Document 4 & 6 : Development / Highway Infrastructure Proposals	5
TA document 5: Sustainable Transport Strategy	7
TA Document 7: Traffic Impact Assessment	8
TA Document 8: Mitigation Proposals	11
Conclusion	13
2. Public Rights of Way	14
Appendix 2A – PRow Map	19
3. Development Investment	21
Request Summary	21
Justification for Infrastructure Provision/Development Contributions Requested	24
Primary Education.....	24
Applicant’s Proposal – Primary School Sites/Indicative Locations / Phasing	25
Anticipated Phasing of School Builds.....	26
Nursery and Pre-School Provision	27
Special Education Needs and Disabilities Provision	27
Secondary School Provision	28
Anticipated Delivery of Secondary School	29
Community Learning and Skills.....	29
Integrated Children’s Service – Youth Service/Early Years Service.....	30
Library, Registrations and Archives Service.....	30
Adult Social Care	31
Community Buildings	31
Potential provision of care homes/extra care	31
Supported Living Accommodation.....	32
Waste.....	32
Implementation.....	33
Appendix 3A - Education Need Assessment / Education Land Assessment ...	34
Appendix 3B - Communities’ Assessment	38
Appendix 3C – Social Care Assessment.....	40
Appendix 3D – Waste Assessment.....	42
4. Minerals and Waste	44
Appendix 4A – Minerals and Waste Planning Authority Response	45
5. Sustainable Urban Drainage Systems	47

Appendix 5A – Lead Local Flood Authority Response	48
6. Heritage Conservation	54
7. Biodiversity.....	55
Appendix 7A – Biodiversity Response	56
8. Culture and Creative Economy	63

1. Highways and Transportation

Following the previous consultation response, it is noted that the Transport Assessment Volumes remain as previously submitted, and a Technical Note has now been provided to respond to the matters raised thus far. As access to Volume 7 – Traffic Impact Appraisal was not initially available at that time, no comments were provided. The comments that will be provided now therefore include a review of Volume 7.

Transport Assessment (TA) Document 3: Site Context

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.”

This information has still not been submitted, as the applicant considers that it is not relevant to the current stage of the application, and should be considered at the latter stages. The County Council does not agree with this position and requests that the information is provided. It is accepted that a further review can take place for the latter stages but an initial assessment is required.

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

TA Document 4 & 6 : Development / Highway Infrastructure Proposals

Proposed new infrastructure

It is appreciated that the application has been made in a three-tiered format, and only the principle of the development is to be considered at this first tier, and permission at this stage would not determine the access details. The information provided for the Sittingbourne Northern Relief Road (SNRR), Bapchild Link, Sittingbourne Southern Relief Road (SSRR) and access strategy are therefore illustrative only, and provide a level of detail to give an indication of where the roads, junctions and site access locations may be located, and allow assessment of the high level road network. Further detailed assessment of the local roads in the immediate vicinity would be undertaken at Tier 2 stage, together with design considerations of the highway infrastructure.

For Tier 1 assessment, the indicative road layout and junction positions are considered to be acceptable in the context of connecting to the existing highway, and the conceptual form of these junctions are appropriate, subject to detailed design at Tier 2.

Framework Pedestrian and Cycle Routes

The Framework Plan for walking and cycling routes demonstrates existing Public Rights of Way (PRoW) facilities and use of internal development roads. The only specific new PRoW feature demonstrated appears to be that of a proposed route following a similar alignment to that of the proposed SSRR but not at its northern end and, critically, it does not connect to Teynham or the train station.

The County Council could find no mention as to how these would be enhanced within the development to promote mode shift nor does there appear to be any additional PRoWs proposed. A notable omission is the missed opportunity to connect existing bridleways.

Whilst stating that there would be priority crossing facilities, most have been demonstrated on the highway layout drawings as at grade uncontrolled with no priority. Furthermore, there is no indication as to how the existing PRoWs are to cross the road infrastructure and appear to be severed and incomplete which would be significantly detrimental to promoting mode shift.

It is, however, acknowledged that much of the development is within a cyclable distance and that internal streets meeting Kent Design standards could provide opportunities within a garden village settlement for high levels of internal walking and cycling. As presented, the Framework Walking and Cycling routes appears indirect, have limited separation from internal highways and there is no priority over vehicular modes. However, it is appreciated that these details would be developed for Tier 2 and 3 applications. This would fail to be compliant with national or local policy.

No details have been provided as to where local services, schools and amenities on the Framework Walking and Cycling Framework and as such it is impossible to tell whether routes are serving them.

The County Council, as Local Highway Authority, would draw attention to Chapter 2 of this response which is focused on PRoW matters.

Action – Walking and cycling connectivity to Teynham to be improved and demonstrated.

Action – Framework walking and cycling route to demonstrate a more convenient and direct network of routes through development parcels and how they connect to schools, local amenities and transport hubs.

Action – Improvements to PRoW network to be discussed with the County Council PRoW and Access Service including the filling of gaps within the current Public Bridleway network.

Ruins Barn Road -South

A proposed shared footway/cycleway is demonstrated along Ruins Barn Road. The route is shown on the western side of the road but terminates without completing. No visibility splays have been demonstrated at the crossing point and it would appear that provision for the existing on street parking is reduced. Existing highway boundaries have not been shown.

Considering the above it is, at this stage, unclear as to the value or deliverability of the proposal.

Action – Proposal to be discussed further with the Local Highway Authority.

Highsted Road Sustainable Gateway

The junction between Highsted Road and Swanstree Avenue is proposed to operate as a bus, pedestrian/cycling only gateway. Highway boundaries are depicted in the drawing and it would appear to be deliverable within the application and highway land. The proposal is generally welcomed, however, further detail will be required on the proposed enforcement mechanism and ongoing management.

Action – The submission is unacceptable as it stands, so the County Council would ask that the proposal is discussed further with the Local Highway Authority.

Cycling

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 from the transport hub with supporting infrastructure provided throughout the development. It is proposed that the 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 5: Sustainable Transport Strategy

Due to the Three-Tiered nature of the application, the sustainable transport measures cannot yet be fixed and these are expected to evolve when the access strategy has also been agreed and as the second tier of detail is submitted for the respective phases of development.

Conditions will therefore need to be placed on any consent granted for this application, to seek detail for approval of the measures that are considered appropriate and available from emerging technologies at the at time. The Section 106 Agreement will also need the flexibility to secure the financial contributions associated with any measures that are subsequently approved or required once the cost plans are known nearer the time.

This could include the provision of new bus routes to pass through the development and link to Teynham, Sittingbourne and Great East Hall, as suggested within the strategy document. As mentioned above, these can only be determined at the second tier when the access points and detail of the infrastructure have been approved.

Similarly, the consideration of walking and cycling routes, and how these should be provided or enhanced, will also be determined at the second tier of approval.

As previously noted, improvements to cycle parking convenience are welcomed with easier accessibility integrated into proposed dwellings - these would need to be both secured and sheltered.

Furthermore, as previously noted electric bike hire scheme within the development is proposed and welcomed. This would be served from the transport hub with supporting infrastructure provided throughout the development. It is proposed that the electric bike scheme could be expanded to cover wider areas of the Borough.

TA Document 7: Traffic Impact Assessment

Unlike the parallel planning application 21/503906/EIAOUT to develop land to the north of the A2, the Traffic Impact Assessment submitted with this application has not been updated to separate the two schemes. While the aforementioned application can be assessed and determined on its own, it is appreciated that this application cannot and is reliant upon the highway infrastructure included within other development being delivered too. Therefore this application should not be determined without that highway infrastructure being included within the proposals.

Strategic Modelling

The strategic modelling has been carried out based on the 2038 Local Plan Review Reference Case model that was commissioned by the County Council and Swale Borough Council.

Highway Infrastructure assumptions.

Previous comment – *“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 Highway Authority will be able to provide the applicant with the updated reference case model.”

New Comment - The TIA confirms that the updated 2038 Local Plan Review Reference Case model has been used but the updated list of highway infrastructure provided in paragraph 3.3.7 has not listed the following highway improvements that were requested:

- 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.

In addition, the Frogal Gardens highway infrastructure forming a new roundabout junction onto the A2, and the severance of Frogal Lane, should also be included as these works are now underway.

Action – Clarity on the inclusion of these improvements within the development reference case modelling is sought.

2038 Development Reference Case Model

At the request of the County Council, the recently approved developments at land West of Church Road and Land off Swanstree Avenue need to be included in the 2038 Development Reference Case model. No update has been provided regarding this part of the modelling, unlike the separate TIA for linked application 21/503906/EIAOUT, so it is assumed that the two developments have not been included. Data for these two developments can be extracted from their respective transport assessments.

Action – The model should be updated to include the two developments as committed.

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.

Forecast Link Flows

As queried above, the highway infrastructure assumptions for the updated 2038 Local Plan Review Reference Case need to be clarified as the links to Chestnut Street from Borden Lane, and the link between Quinton Road and Grovehurst Road, are not shown on figures 5.1 to 5.4. It is noted that the Chestnut Street link is shown on Figure 5.5, and link 11 is incorrectly labelled as link 1.

Action – The highway infrastructure assumptions should be included as per the previous request, and the figures and modelling updated accordingly.

Net Traffic Impacts

As has been mentioned earlier, the Local Highway Authority does not consider that the reference case and with development tests provided are appropriate. Notwithstanding this and the County Council's comments on the necessary modelling amendments, the information provided presents the combined applications as an alternative option to accommodate the Local Plan 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

According to the Capacity Assessment Output Reports contained within Appendix E of the TIA, the assessments for the proposed highway infrastructure associated with the SSRR and SNRR have been performed using the traffic data from the 2037 models, rather than the updated 2038 outputs. The same appears to be true for:

- Junction 55 – Park Road / Gore Court Road / Ufton Lane
- Junction 43 – A251 / M2 West Bound
- Junction 37 – A2 / Western Link
- Junction 34 – A2 / Lynsted Lane
- Junction 32 – Woodstock Road / Cromer Road / Tunstall Road
- Junction 18 - Crown Quay Lane / Eurolink Way
- Junction 17 - Mill Way / B2006 St Pauls Street
- Junction 16 – A249 / B2006 Bobbing Interchange

These should have used the outputs from the 2038 Reference Case and With Development model scenarios, notwithstanding that the comments above will require further amendments to the model, so all of the assessments will need to be revisited in any case.

Whilst no detailed review of the capacity modelling will be made, the County Council would provide comment on the assessments of the following junctions:

- Junction 6 A2-St Michaels Road/West Street – The modelling of this junction has been coded as two way movement on all arms, instead of St Michaels Road being a one-way gyratory
- Junction 11 A2/Murston Road/Rectory Road – Modelling of the junction has been based on the existing layout, rather than the committed highway improvement scheme detailed in application 16/507689/OUT.
- Junction 20 A249/Grovehurst – Assessment of this junction has been based on the existing layout. Major work is currently underway to upgrade the junction and the TIA does not propose to investigate whether further mitigation is required. It is considered that in common with other committed infrastructure, the improved junction arrangement should be assessed.
- A2/Frognaal Gardens Roundabout – No assessment has been carried out to determine the impact of the development proposals on this junction. This is committed infrastructure that is directly affected by the proposed secondary vehicular connection of the development site to Frognaal Lane, and also expected to accommodate additional traffic flow on the A2.

Action - Capacity assessments of the above as committed junctions should also be provided.

TA Document 8: Mitigation Proposals

The comments in this section are made based on the modelling results presented and will therefore need to be reviewed after updated modelling has been provided to respond to the comments made elsewhere in this response.

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 Passenger Car Units (PCU) The Ratio of Flow to Capacity (RFC) remains over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation and therefore, 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 at 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 PCUs. The RFCs remain over 0.85 in the AM and PM and the gain appears disproportionate to the mitigation and therefore, 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 crossroads giving priority to the Woodstock/Ruins Barn Road arms.

The proposal is for the junction to be signalised however there remains queues of 80 PCUs on Woodstock Road in the AM and 48 on Ruins Barn Road in the PM. Three of the four arms are operating above 100% degree of saturation (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 continues to have 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 creates two lane entry on three of the approaches but all exit lanes and the circulatory would remain single lanes. The design is sub-standard and not accepted by the Local Highway Authority. It has not been demonstrated that an acceptable mitigation scheme can be delivered in this location.

Action – An appropriate form of mitigation is required to accommodate the traffic growth at this junction.

Subject to appropriate modelling evidence, the Local 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.

Conclusion

On the basis of the above the County Council, as Local Highway Authority, raises a holding objection until such a time as further evidence is provided to address its concerns.

2. Public Rights of Way

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

Public Footpaths ZR194, ZR682, ZR196, ZR197, ZR199, ZR208, ZR209, ZU31, ZU30, ZR147, ZR155, ZR158, ZR156, ZR157, ZR150, ZR185, ZR49, and Restricted Byways ZU34A, ZU35 and ZR151, are located within the site and would be directly affected by the proposed development. The locations of these paths are indicated on the attached extracts from the Definitive Map. The existence of the Rights of Way is a material consideration.

In respect of PRoW, the County Council continues to raise a holding objection to this application. The County Council has previously provided responses to both Scoping Opinion and the original proposals over the course of the past few years. The application has now been amended again; however, this application does not reflect prior comments or advice from the County Council and the amendments/additional information do not alter the significant adverse impact on the recorded PRoW Network and the significant loss of open countryside, both of which provide numerous benefits to the Borough. As such, the underlying concerns previously set out in the County Council's earlier consultation responses remain.

The County Council is disappointed that PRoW have not been considered as a separate topic in the application. Dividing the effect of the development on PRoW and their users across multiple application documents and chapters results in individual references which do not reflect the importance of the local access network and, the quality of the user experience and amenity value. The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, timescale of delivery, construction traffic, noise, visual intrusion, and loss of tranquillity, all contribute to the quality of the user experience inherent in a recreational walk or ride.

This fragmented approach gives rise to a weakness in the application, that when considered individually, the impact might be assessed as not significant, but if the impacts had been considered collectively, they could be significant. A walker, cyclist or horse rider using a public right of way or on open access land experiences the countryside, and hence any impacts, holistically; namely the quality and diversity of the views, wildlife and natural features, the sense of wildness, peace and quiet, the presence (and absence) of traffic, noise, lighting and air quality, and the connectivity of the PRoW Network.

Therefore, the County Council position remains that the impact of the proposed development on both the physical resource and the amenity value of the PRoW network should be addressed as a separate theme within the application. This should include both the effect on the physical resource from temporary or permanent closures and diversions, as well as the

quality of user experience and amenity value and should be considered from the perspective of the significant timescale of this development.

In general, the plans and drawings appear of poor quality and are contradictory throughout documents and therefore, it is difficult for consultees to attempt to know which PRoW is being referred to. There is also incorrect labelling of PRoW (and on some plans complete omission); labelling/ reference should be consistent and standard across all documents and follow the same convention as depicted on the Definitive Map, the legal record for PRoW. Currently a variety of labels/ references are used in different documents, which is confusing and makes consultation much more difficult for statutory bodies and the public. It is unacceptable to use any other label or reference in the consultation documents without at least being accompanied by the correct Definitive Map label.

The ROWIP should be included as relevant local planning guidance; again, this has been advised within the County Council's previous responses and still has not been considered. The County Council seeks to create a network that not only provides a safe, sustainable means of travel but also delivers the benefits that access to the network, countryside, coast and green spaces can make to improve the quality of life for Kent's residents and visitors. The ROWIP also sets out the Council's commitment to ensuring and promoting sustainable travel options for all with a strategy that focuses on walking and cycling for leisure reasons, commuting, and accessing services and facilities. In contrast to ROWIP policies, the application does not recognise the local importance of PRoW, which can be the only off-road open access for a wide community or are the main recreational space.

The PROW and Access Service will expect enhancements to the network in addition to mitigation, compensation, and management strategies that will ensure that the public, residents and tourists alike, retain the quantity and quality of access provision.

The proposal of separate Tiers (of which this is Tier 1) for the planning process is one that causes concern for the County Council in respect of PRoW. Tier 1 proposes only to agree the "overall principle of this development"; however, the County Council cannot fully assess the impact of this development without further detail and therefore has to conclude that due to the scale and irreversible impact of this development, regardless of any mitigation or improvements proposed, the County Council objects to the development. Equally, the County Council is of the opinion that any future works would be against the policies and overall aims and objectives of the Kent County Council's ROWIP. The County Council draws attention to its comment from previous response that "*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*". The County Council would reference the development at Wises Lane, Borden, also within Swale, where the PRoW strategy was not addressed at the earliest stage of the planning process and then with only a minimal regard, that has led to conflict and disruption to the development, the Local Authority, the County Council and the existing community.

PRoW issues are, in part, included in the Transport Assessment submitted as a few paragraphs within the Highways chapter. The County Council therefore does not feel it is in

a position to provide as fuller response as it would wish for this scale of development. High level comments on the document have been provided as follows:

- The Access Strategy Vehicle Plan does not show the PRoW routes, however, as stated previously, PRoW should be seen holistically with the highway network in order to enable quality connectivity.
- Framework Plan Pedestrian and Cycle O – PRoW are shown but without any labelling or reference, with references to PRoW being *realigned* with no further detail given.
- Framework Plan Pedestrian and Cycle H – as above and with incorrect PRoW alignments.
- Design and Access Addendum; the *Description of Development* omits any mention of walking and cycling or Active Travel benefits or improvements; clarity is required regarding reference to *National Significant Public Infrastructure*; “*The Site*” omits any reference to the PRoW Network although the National Landscape is included.
- 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.
- The County Council is of the opinion that despite the separation of the two applications, 21/503914 and 21/503906, the potential impact of both cannot be ignored and therefore this response reflects the cumulative effect on the Borough from this application and application 21/503906.
- The County Council is also of the opinion that the proposed development in the wider area and Borough of Swale, **not** including the two applications above, also has to be taken into account to fully assess the impact overall. The cumulative impact of this proposal with the other existing projects consented and proposed is of major concern. The PRoW and Access Service believe that there are inter-project effects that will impact on the PRoW network and its users not only from fragmented connectivity and visual intrusion, but the lack of the single assessment approach for PRoW, access and amenity has resulted in this effect not being recognised. In particular, there will be repeated temporary closures of PRoW across the wider area of the Borough that could overlap with temporary closures on the same or connecting PRoW required for this proposal.
- Examples of existing projects consented and proposed: Land at Frogal Lane, South East Faversham, Land off Swanstree Avenue, Wises Lane, Manor Farm, Ufton Court Farm, Land East of Iwade, Pitstock Solar Farm, Vigo Lane Solar Farm.
- It is unacceptable for the public to lose their amenity by the effective sterilisation of an area due to closures and disruptions from parallel or concurrent projects. The impact of temporary closures of PRoW should not be underestimated, as their value for local amenity could be severely reduced or removed during works. The County Council would therefore expect an inter project cumulative effect assessment to specifically consider the impact on PRoW and the amenity value of the PRoW network in the vicinity of the proposed development and in the event of any future permission being granted, to provide mitigation, compensation, and management strategies to ensure that the quantity and quality of access provision is retained.

In order to ensure full understanding of this development and the proposals, the County Council expects early engagement with the County Council PROW and Access Service to discuss the impact on and management of the PROW and Access network. The County Council is the Highway Authority for PROW and by definition:

- The Applicant must obtain the Definitive Map and Statement from the PROW & Access Team at the County Council. This is the only source of the up-to-date record of the PROW (this can be supplied digitally).
- PROW should be marked on plans using the County Council digital data and labelled as per the Definitive Map and County Council convention.
- The applicant must identify where and how (i.e. physical disruption and impact on amenity) the project affects PROW in the pre commencement stages, construction, and operational phase.
- The applicant must identify the wider access network and ensure continuity of the access network including links to U roads, rural and quiet lanes and promoted routes by avoiding severance or sterilisation of an area through closures.
- The applicant must set out the management measures for minimising disruption to the public and ensuring public safety during all stages of the project.
- The hierarchy for managing affected PROW should lead with the principle of keeping PROW open though use of signage and traffic management measures, followed by temporary closures with alternative routes provided for as short a duration as possible. Any alternative route must be approved by ourselves.
- The applicant must identify the PROW proposed to be temporarily closed and/or management measures.
- Includes management measures for any shared construction access, although this is something the County Council would not advise.
- The applicant must identify any PROW to be permanently closed and the alternative route/s including the specification for new routes.
- The applicant must include plans for restoration of all affected PROW e.g. on access routes and crossing points.
- The applicant must include a commitment for a pre and post condition survey to be undertaken including identification and assessment of surface condition and with a scope of coverage and methodology to be agreed with the County Council as Highway Authority. This should include pre-construction work where PROW might be used to gain access to site and reinforcement required prior to use by vehicles. Again, such use is not something the County Council would advise or necessarily approve.
- Where impacted by the works, commitment to restoring any PROW to an improved condition agreed with the County Council - where there are existing defects, the applicant should agree restoration measures with the Local Highway Authority.

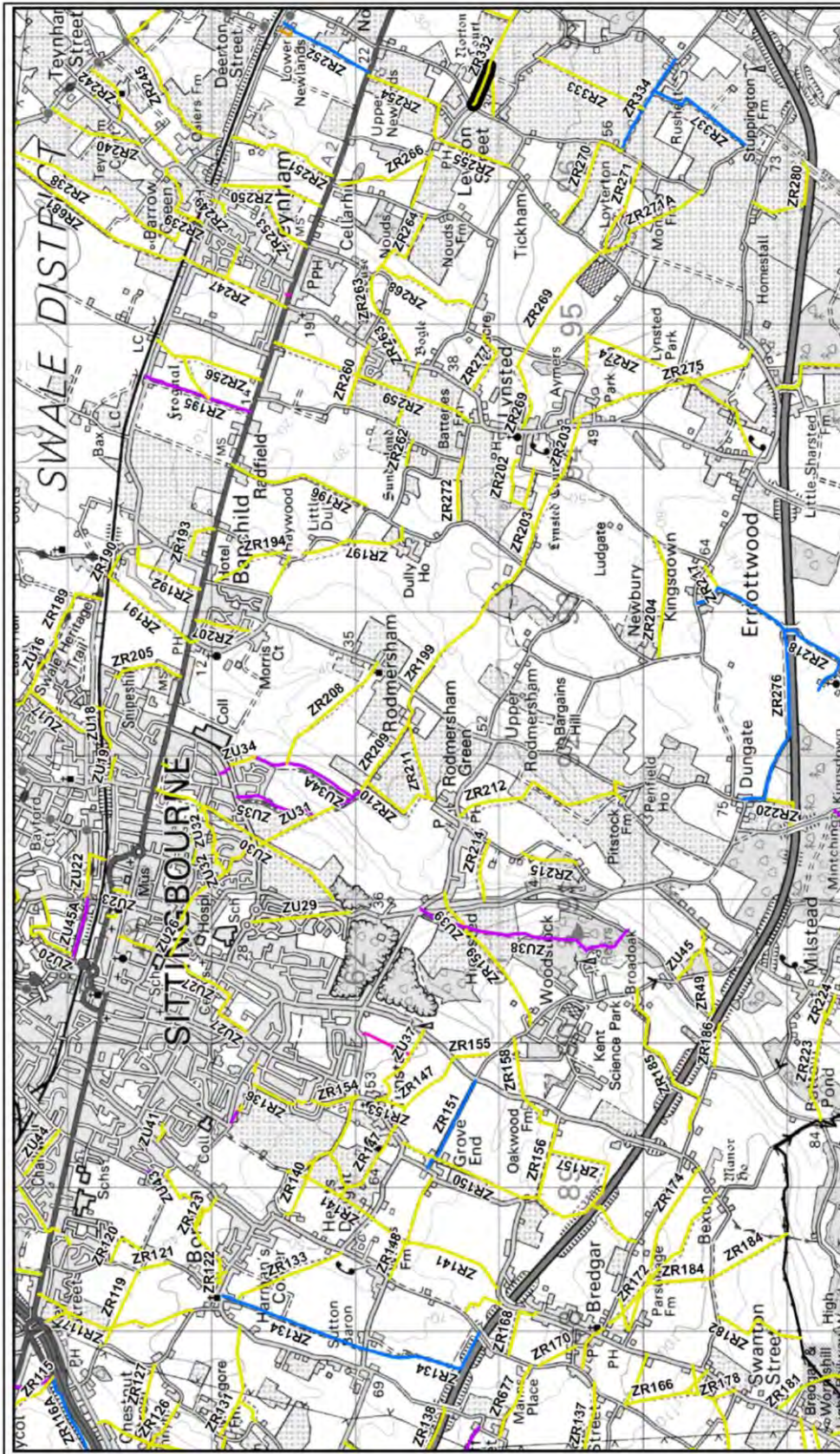
In the event of any future planning permission is granted, the County Council requires that the following is required by condition:

A PROW Management scheme is provided to include each Public Right of Way affected, to cover pre-construction, construction and completion over the no doubt 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 the County Council.

The County Council would seek developer financial contributions via the appropriate legal mechanism, where the impact of new development will put a high level of additional pressure on the existing Network and where upgrades and improvements would account for increased use and to provide quality off road alternative transport options, promoting active and sustainable travel. Appropriate contributions would be in order 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 advises that significant measures will need to be taken to help mitigate the impact on and loss of existing recreational leisure opportunities 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. The applicant is required to show commitment to Active Travel, connectivity of developments, sustainable transport, and the protection of and enhancement of the local area rural character.

Appendix 2A – PRow Map



17/506551/EIASCO - Public Rights of Way Map

<p>Key</p> <ul style="list-style-type: none"> — Public Footpath — Public Bridleway — Restricted Byway — Byway Open to All Traffic 	<p style="text-align: center;">N</p> <p style="text-align: center;">1:35,000</p> <p style="text-align: center;">Kent County Council</p> <p style="text-align: center;">Produced by the KCC Public Rights of Way and Access Service © Crown Copyright and database right 2013. Ordnance Survey 100019238</p> <p style="text-align: center;">10.01.2018 Reference: 17/506551/EIASCO</p>
---	---

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.

0 0.75 1.5 3

Kilometres

0 0.75 1.5 3

Miles

Created by: TK	Checked by: TK
Issue Date: 10.01.2018	Reference: 17/506551/EIASCO

3. Development Investment

The County Council has re-assessed the implications of this proposal in terms of the delivery of its community services and the latest information from the applicant. It remains the opinion that the application will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

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

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

The County Council notes that this application has been submitted concurrently with Highsted Park North application SW/21/503906, and indeed provisions have been proposed for both sites, particularly secondary education. However, the applications are separate and will be reviewed independently. The County Council would therefore wish to draw the Local Planning Authority's attention to the Secondary, Special Education Need and Waste requirements, and how these matters should be dealt with if the applications proceed independently.

Request Summary

Table 1

	Per 'Applicable' House (5984)*	Per 'Applicable' flat (428)*	Total	Project
Nursery	26 place Nursery at each new Primary School – Provided as part of each Primary School			
Primary Education	£7,081.20	£1,770.30	£43,131,589.20*	Towards new on-site primary schools serving the development
Primary Land	2No. New Primary School sites of 3Ha each and 1No site of 2.05Ha, provided at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£3,409,925.60*	Contribution towards a new special needs school serving this

				development and SRP provided within the Mainstream Education Schools on-site and within the Borough
Secondary Education	£5,587.19	£1,396.80	£34,031,575.36*	Towards a new secondary school to serve this and the adjoining Highsted Park (North) development
Secondary Land**	10Ha New 8FE Secondary School site to be provided as part of the combined Highsted Park (North & South) proposals. Sites provided at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			

Please Note:

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation. The applicant has advised in correspondence that all proposed 1-bed flats are below this size and therefore not applicable. Should this change, the County Council will reassess the requirement for education places.

** The County Council has used the housing mix referenced in the January 2024 Planning Statement Addendum Para 3.3 Table 3.1). The applicant has advised in earlier correspondence that 10% of 2 bed flats/houses will be restricted to occupancy for over 70s. The County Council has applied this mix and removed the age restricted dwellings as non-applicable for education assessment, subject to a legal Agreement restricting occupancy age in the age restricted dwellings in perpetuity.*

*** Secondary land & SEN – Irrespective of whether the Highsted Park North and South sites proceed jointly or independently, Kent County Council Education has confirmed that there is a significant deficit in places locally, even allowing for a new Secondary school in Northwest Sittingbourne. Consequently, new standalone Secondary and SEN provision will be required for this Highsted South application.*

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

Table 1 continued:

	Per Dwelling (x7150)	Total	On Site Community Buildings	Project
Community Learning	£34.21	£244,601.50	Free use of on-site Community facilities for classes, plus	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions

			provision of secure storage for equipment	and venues for the delivery of additional Adult Education courses locally.
Integrated Children's Services	£74.05	£474,808.60	Free use of on-site Community facilities for youth sessions, plus provision of secure storage for equipment	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and/or the upgrade of existing youth facilities
Library Service	£62.63	£447,804.50	Free use of on-site Community facilities for library purposes, plus provision of secure storage for equipment	Towards additional resources, services and stock, the local mobile Library service and improved facilities in Sittingbourne to meet the needs of the development.
Social Care	£180.88	£1,293,292.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards Specialist care accommodation, assistive technology and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)			
Community Buildings specification:	<p>*Design that is Dementia friendly with dementia friendly decoration and signage.</p> <p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org)</p> <p>* <u>Provision of secure storage for County Council Social Care, Community Learning, Libraries and Youth Service.</u></p>			

Waste	£194.13	£1,388,029.50	Towards a new Household Waste Recycling Centre on-site and increases in capacity at the Waste Transfer Station in Sittingbourne.
Waste Site	A new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council - transferred as per the County Council's General Transfer Terms, should either the South proceed independently, or the combined Highsted Park North and South proceed. If the new HWRC is ultimately located on the South site and the North site is in separate ownership, any land cost should be dealt with by the applicants through a <i>Development Land Equalisation Agreement</i> with the North site contributing its proportionate share.		
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>		

Please note that these figures:

- *are to be index linked by the All-In Tender Price Index from Q1 2022 to the date of payment.*
- *are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.*
- *Bonds will be required by the County Council for the Education contributions if the applicant wishes to pay the contributions in instalments. If the contributions are paid in instalments, the applicant will also be required to cover the County Council's borrowing costs for the construction of the schools.*

Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas the County Council will seek for, contribution rates, methodology for calculation and policy justification are contained within the Guide and can be viewed [here](#).

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendices.

Primary Education

The indicative housing mix provided by the applicant has been used to calculate the Primary Education need created by the development. Based on this mix – which must be subject to regular review to confirm the final mix - the proposed South development is estimated to generate up to 1,705 primary pupils, equivalent to 8.12 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the

Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Applicant's Proposal – Primary School Sites/Indicative Locations / Phasing

The amended Design and Access statement confirms appropriate land areas for the three proposed primary schools as being 3Ha for Highsted West and Oakwood schools, and 2.05ha for the Highsted East school site. As a result of the expected pupil demand it is requested that the Highsted East school would be a 2FE school which, given the current demand projections, would be acceptable to the County Council.

The above figures have been taken from page 15 of the Design and Access Addendum which are assumed as correct.

All sites must be transferred with agreement by the County Council as the Statutory Education Authority and in accordance with the County Council's General Site Transfer terms (attached separately to this response).

It is required that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also existing neighbourhoods in the locality.

The applicant has responded positively to the earlier consultation responses on the locations of the schools which are now, in principle agreeable, subject to the further information required below.

Highsted West Primary School Location

The proposal is showing the primary school located on 3Ha of land as required.

The location of the primary is at the edge of the built area of development and appears well located in terms of accessibility and is generally agreeable.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with the suitability assessments, the County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before it would be able to confirm suitability.

Highsted East Primary School Location

The proposal is showing the primary school located on 2.05Ha of land which would only be sufficient for a 2FE school.

The County Council welcomes school locations close to market centres, which aids in the creation of community and supporting footfall to other services.

It is unclear from the plans whether a PRow either crosses or is in close proximity to the proposed school site. Advice should be sought from KCC PRow and Access Service in respect of the proposed location. Please note the County Council's transfer terms and advise accordingly.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments the County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm suitability.

Oakwood East Primary School Location

The proposal is showing the primary school located on 3Ha of land as required.

The location of the primary is at the edge of the built area of development and appears well located in terms of accessibility to sports and open space land use. It is noted the proposed location is in reasonable proximity of the existing schools of Bapchild and Rodmersham.

Greater detail of the proposed Primary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with our suitability assessments the County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm suitability.

Anticipated Phasing of School Builds

Table 1 below sets out the County Council's anticipated delivery triggers for schools. This will require appropriate monitoring and review mechanisms within the Section 106 Agreement to reflect build-out rates and dynamically respond to pupil demand, to ensure timely delivery and sufficient capacity is maintained. The proposals within the submitted phasing plans would appear to be appropriate, however, limited information could be found on the numbers of dwellings within each phase. This will need to be provided so that the information can be reviewed, in the context of the below table, before confirmation of approval can be given on the proposed phasing plans.

Table 2

	Number of Dwellings Occupied
Primary School 1	350
Primary School 2	2600
Primary School 3	4700
Secondary School	1st phase delivered at 900 occupations***

****900 occupations combined across both the North and South Developments if built out jointly. (The Primary School triggers are occupations on Highsted South ONLY.*

Nursery and Pre-School Provision

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst the County Council is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private/voluntary/independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has been high. By the time the development is starting to be occupied it is likely that 30 hours free childcare will be available to all, increasing levels of demand. The County Council supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds)) and will work with the applicant to advise on the appropriate method of delivery.

Special Education Needs and Disabilities Provision

The Children's and Families Act 2014, Equality Act 2010 and Children and Families Act 2014 set out the County Council's responsibilities for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 years. The County Council's [SEND Strategy \(2021-2024\)](#) sets out its vision and priorities in respect of this area of its service.

Children with more complex needs are supported through an Education, Health and Care Plan (EHP) which sets out the provision they are entitled to. School-age pupils with EHPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites and in stand-alone special needs schools.

Mitigation of Need

This proposal gives rise to additional pupils with Education and Health Care Plans (EHCPs) requiring extra support through specialist provision. All SEND infrastructure in Kent is currently at capacity.

A proportionate contribution is therefore required to mitigate the impact from the development through the provision of additional SEND places as identified in Table 1.

Secondary School Provision

The indicative housing mix provided by the applicant has been used to calculate the Secondary Education need created by the development. Based on this mix – which must be subject to regular review to reflect the final mix – the proposed South development is estimated to generate up to 1,218 secondary pupils, equivalent to 6.85 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Secondary Education demand is exceeding provision in the Borough, with a significant forecast deficit in places, as extant permissions are built out, and the County Council awaits the land for the new school in North-West Sittingbourne to meet the growth requirements in the current Local Plan. Consequently, this application will place additional pressures on education provision.

To accommodate this additional demand, along with the demand from the Highsted North and wider development, a new, on-site 8FE Secondary school is required on a site of 10ha at nil cost to the County Council, in a location to be agreed by the County Council and transferred in accordance with the County Council's General Site Transfer Terms.

Whilst the County Council is generally agreeable to the proposed location, greater detail of the proposed Secondary School site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information upon: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. It is expected that the majority of pupils and their carers will reside in the proposed development. The County Council will require four corner point co-ordinates of the site so that a thorough site inspection can take place before the County Council would be able to confirm its suitability.

The secondary school site will need to be served by vehicular, public transport and pedestrian/cycle routes prior to its opening, connecting not only the new community to this school, but also the existing developments in the locality and further afield in the Borough. As proposed, the location should provide excellent opportunities for connecting with existing and new communities.

The County Council note that a site size of 9ha has been offered and not the 10ha requested. The County Council would be prepared to negotiate this point such that an additional adjoining 1ha be safeguarded for Education purposes immediately adjacent to any proposed secondary school 9ha site offered and provided at nil cost to the County Council. Should the Pupil Product Rate (PPR) from the development be as, or above that currently

calculated the land would need to be provided to KCC. Conversely, if the PPR following 50% occupation is lower than assessed at the time of the application, KCC would not require the additional hectare.

If Highsted Park (North and South) proceeds concurrently then proportionate contributions towards the Secondary School land at Highsted Park South of £3,022.72 per 'applicable' house and £755.68 per 'applicable' flat will be required through a Development Equalisation Agreement from the 21/503906 application.

The site acquisition cost is based upon current local land prices and any Section 106 Agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to the County Council taking the freehold transfer of the site to reflect the price actually paid for the land.

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

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

Anticipated Delivery of Secondary School

The County Council's assessment of secondary education places in the planning groups shows that there is a significant deficit of places. Whilst the school will be built out in phases, it is anticipated that the first phase will be required to open by 600 occupations (combined across both the North and South Developments if built out jointly). This will be subject to appropriate monitoring and review mechanisms within the Section 106 Agreement to reflect build-out rates and pupil demand, to ensure timely delivery and sufficient capacity to meet demand.

Community Learning and Skills

The County Council provides Community Learning and Skills (CLS) facilities and services in line with [Framing Kent's Future – Our Council Strategy 2022/2026](#) (Priority 1 – Levelling Up Kent and Priority 2 – Infrastructure For Communities).

Appendix 3B provides detail of the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development. Adult Education will also require free use of on-site Community facilities for classes, as well as provision of secure storage for equipment.

Integrated Children’s Service – Youth Service/Early Years Service

The County Council has a statutory duty to provide Youth Services under section 507B of the Education Act 1996 and the statutory guidance [‘Working Together to Safeguard Children’](#).

Appendix 3B provides detail of the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

The services will also require free use of on-site Community Facilities for meetings and sessions locally, as well as secure storage within the new facilities for equipment. The masterplan demonstrates provision of accessible outdoor and sports and recreational facilities for youth activity along with additional amenities that may be achievable within the proposed county park.

Additional indoor facilities may also be able to be delivered within the employment spaces being proposed.

Library, Registrations and Archives Service

Under the [Public Libraries and Museums Act 1964](#), the County Council has a statutory duty to provide ‘a comprehensive and efficient service’. The Local Government Act 1972 also requires the County Council to take proper care of its libraries and archives.

There is an assessed shortfall in provision for this service. Borrower numbers are in excess of capacity, and book stock in Borough at 669 items per 1,000 population is below the national standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 3B. The appendix demonstrates the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development. As there are no details of the community facilities proposed, a flexible approach to provision should be facilitated. Provision would either be through the free use of on-site community facilities for Library purposes (including secure storage within these facilities for equipment), towards the local mobile Library service, and towards improved facilities in Sittingbourne.

Description of requirements – Libraries Registration and Archive (LRA) will continue to deliver its library service for this area at the existing Faversham library. This library was fully refurbished in 2018 and is currently co-locating with the Good Day Programme.

Contribution or floorspace – LRA would like to seek contributions to existing service rather than floor space in a new development.

Adult Social Care

The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions.

Appendix 3C provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon the County Council to provide Adult Social Care services. The appendix demonstrates the demand generated by the application, the projects serving the development and proportionate cost requested to mitigate the impact arising from this development. Table 1 also identifies the mitigating projects serving the development.

The Department for Levelling Up, Housing and Communities identified in June 2019 guidance [Housing for older and disabled people](#), that the need to provide housing for older and disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely, the County Council requests these dwellings are built to Building Reg Part M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

Community Buildings

There remains little detail within the application of the community facilities being proposed which, acknowledging the size and likely lifespan of build out, is unsurprising. Provision for community buildings is mentioned and demonstrated in appropriate locations for each of the development areas, however, not all of these buildings are likely to need to include provision for all County Council services. The approach to the delivery and use of community buildings will therefore require a strategy that includes flexible and phased delivery so that it can be proportionate to the population and service needs. This mechanism should be established through any accompanying Section 106 Agreement. It should, however, be noted that all buildings must include:

- Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with [Changing Places Toilets \(changing-places.org\)](#).
- Design that is Dementia friendly with dementia friendly decoration and signage.
- Catering areas to be compliant with the Equality Duty 2010, including adjustable height work surfaces, wash areas, cupboards etc.
- Accessible community outdoor areas such as allotments or gardens.

Potential provision of care homes/extra care

Concerning the provision of older person care homes in Kent, the County Council has seen a steady decline in overall numbers in the past five years, with the situation further exacerbated by Covid-19. In addition, the number of people wishing to access purely older

person care homes is reducing. Consequently, there are specific types of care home delivery models which, the County Council would wish to support. For example, there is a significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex needs, including dementia. The County Council would encourage any new residential care home provider to join the County Council Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate form of care delivery.

Supported Living Accommodation

Paragraph 3.2 of the Planning Statement identifies that the development proposes to include the provision of extra care units for over 65s. This inclusion is welcomed, however, there is no detail at this stage as to the amount that would be available. The demand for support living accommodation (especially within the working-age population) has increased significantly. The County Council would wish to ensure that the dwelling mix of this development and level of extra care units available is sufficient to meet the levels of demand. As such, the County Council recommends that the applicant works with County Council Adult Social Services to develop the most appropriate forms of care delivery and that any legal agreements or conditions on housing mix have the ability to set out minimum levels of provision of extra care units.

Waste

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Appendix 3D provides detail of the current shortfall in the provision of this service, the demand generated by the application and also explains the statutory duty upon the County Council.

The appendix demonstrates the projects serving the development and proportionate cost requested to mitigate the impact arising from this development and accommodate the increased waste throughput within the Borough. Table 1 also identifies the mitigating projects serving the development.

Waste Transfer - Developer Contributions are required towards works to increase capacity at the Church Marshes Waste Transfer Station.

Household Waste and Recycling Centre (HWRC) - The County Council is pleased to see the inclusion of a new Household Waste Recycling Centre site of 1.5ha, required at no cost to the County Council. Proportionate HWRC land contributions from application 21/503906 will be required through a Development Equalisation Agreement to fund the provision within this application.

The County Council also notes that the new HWRC allocation has a colour coding error on the legend on the plan in the Environmental Compliance statement.

The County Council is pleased to see that the HWRC allocation remains in place. The minor amendments to the submission will not change the impact on Waste.

Implementation

The above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal. The Local Planning Authority is requested to seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement. Additionally, a County Council monitoring fee of £300 for each trigger point identified for County contributions within the Agreement is also required, irrespective of whether or not the County Council are party to the agreement.

Any Section 106 Agreement or UU containing contributions for County Council services should be shared with the authority via the Developer.Contributions@kent.gov.uk email address prior to its finalisation.

If you do not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that you notify us immediately and allow at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

Appendix 3A - Education Need Assessment / Education Land Assessment

KCC developer contribution assessment for Primary Education

District:	Swale	Non-applicable units:	739
Site:	Land South East of Sittingbourne Kent	Houses:	5964
Plan ref:	SW/21/5029/4	Flats:	428
Date:	13/03/2024	Total units:	7150

Current and forecast pupils on roll for schools within		Sittingbourne South and Sittingbourne East planning groups										
DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
2055	Lansdowne Primary School	394	409	396	394	384	375	365	366	357	360	361
2126	Sunny Bank Primary School	178	174	183	177	178	173	173	175	171	172	172
2233	Lynsted and Norton Primary School	71	83	73	75	73	73	63	66	64	64	65
2239	Rodmersham School	113	135	114	113	114	105	103	103	101	102	102
2254	Canterbury Road Primary School	207	208	209	206	206	202	202	200	196	197	196
2435	South Avenue Primary School	406	414	400	393	385	378	369	372	364	366	368
2463	Minsterne Community Junior School	373	374	371	378	376	365	365	353	347	352	357
2513	Haks Community Infant School	275	274	264	261	255	260	265	265	266	267	268
3110	Milstead and Fristed CE Primary School	85	60	82	81	89	89	88	90	90	91	91
3117	Teynham Parochial CE Primary School	200	198	197	193	189	187	182	184	180	181	182
3328	Bapchild and Tonge CE Primary School	208	210	215	215	215	214	213	211	206	208	209
3329	Borden CE Primary School	127	122	129	130	134	132	135	133	133	134	135
3330	Bredgar CE Primary School	108	98	109	110	111	112	116	116	117	120	121
3337	Tunstall CE Primary School	422	423	422	428	427	425	425	422	419	423	427
3714	St. Peter's RC Primary School	212	209	208	205	202	201	198	195	192	194	196
3912	Westlands Primary School	575	518	498	486	467	441	442	441	438	442	447
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		3,954	3,909	3,871	3,847	3,804	3,732	3,695	3,693	3,640	3,673	3,697
Required capacity to maintain 2% surplus capacity		4,035	3,989	3,950	3,926	3,881	3,808	3,770	3,769	3,715	3,748	3,773

Current and forecast capacity for schools within		Sittingbourne South and Sittingbourne East planning groups										
DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
2055	Lansdowne Primary School	420	420	420	420	420	420	420	420	420	420	420
2126	Sunny Bank Primary School	315	315	315	300	285	270	255	240	225	210	210
2233	Lynsted and Norton Primary School	140	105	105	105	105	105	105	105	105	105	105
2239	Rodmersham School	70	105	100	95	90	85	80	75	70	70	70
2254	Canterbury Road Primary School	210	210	210	210	210	210	210	210	210	210	210
2435	South Avenue Primary School	420	420	420	420	420	420	420	420	420	420	420
2463	Minsterne Community Junior School	360	360	360	360	360	360	360	360	360	360	360
2513	Haks Infant School	270	270	270	270	270	270	270	270	270	270	270
3110	Milstead and Fristed CE Primary School	105	105	105	105	105	105	105	105	105	105	105
3117	Teynham Parochial CE Primary School	210	210	210	210	210	210	210	210	210	210	210
3328	Bapchild and Tonge CE Primary School	210	210	210	210	210	210	210	210	210	210	210
3329	Borden CE Primary School	140	140	140	140	140	140	140	140	140	140	140
3330	Bredgar CE Primary School	105	105	105	105	105	105	105	105	105	105	105
3337	Tunstall CE Primary School	420	420	420	420	420	420	420	420	420	420	420
3714	St. Peter's RC Primary School	210	210	210	210	210	210	210	210	210	210	210
3912	Westlands Primary School	600	540	510	480	450	420	420	420	420	420	420
Current and forecast capacity (1)		4,205	4,145	4,110	4,060	4,040	4,020	4,030	4,040	4,050	4,065	4,095

(1) including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil yield from new developments within

Expected pupil yield from new developments within		Sittingbourne South and Sittingbourne East planning groups		
Planning reference	Development	Houses	Flats	Primary product
SW/24/500430	The Former Pumping Station St Michaels Road Sittingbourne Kent ME10 1AX	0	10	1
SW/23/502558	87 High Street/1/3 Central Avenue Sittingbourne Kent ME10 4AU	0	18	1
SW/23/503980	The Granary Berkeley House Lynsted Lane Lynsted Sittingbourne Kent ME9 9RL	3	3	1
SW/23/503467	Pembury Court Pembury Street South of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/23/503228	Cockleshell Walk Car Park St Michaels Road Sittingbourne Kent ME10 1AU	0	35	2
SW/23/502365	77-83 & 87 London Road, Sittingbourne, Kent ME10 1NL	0	15	1
SW/22/505646	Land At Ulfon Court Farm Borden Kent	290	0	81
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN	50	0	14
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502834	Land West of Church Road Bapchild Tonge Kent	251	75	76
SW/22/500601	Radfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/21/506812	25-29 Staron Street Sittingbourne ME10 3DU	0	3	0
SW/21/505544	Hillfield Heats Delight Borden Sittingbourne Kent ME9 9RH	5	0	1
SW/21/505498	Land off Swainstree Avenue Sittingbourne Kent ME10 4LU (S106)	125	0	0
SW/21/505096	Land To The North of Lower Road Teynham Kent ME9 9EL	23	0	6
SW/21/502609	Land To The East of Lynsted Lane Lynsted Kent ME9 9QN (S106)	10	0	0
SW/21/501334	Land At Fox Hill And School Lane Bapchild Kent ME9 9NL	95	0	27
SW/20/506066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	4
SW/20/505156	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1LF (S106)	5	17	0
SW/20/503665	88-100 West Street Sittingbourne Kent ME10 1AS	0	10	1
SW/20/503325	Land East of Crown Quay Lane Sittingbourne Kent ME10 3ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	3
SW/20/501631	Moore's Yard Crown Quay Lane Sittingbourne ME10 3JN	12	15	4
SW/19/505036	Land South of London Road Teynham Kent ME9 9QJ	70	10	20
SW/18/501693	Land To The Rear of 45-55 High Street Sittingbourne Kent ME10 4BJ (S106)	0	24	0
SW/18/504460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HJ	24	0	7
SW/17/505711	Land at Wises Lane, Borden (S106)	675	0	0
SW/16/507689	Land between Froggal Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		2,044	284	252
This development		5,964	428	1,705

Assessment summary

Detail	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	170	156	160	134	159	212	260	271	335	317	322
Expected pupil yield from new developments	252	252	252	252	252	252	252	252	252	252	252
Surplus / (deficit) capacity including the expected pupil yield from new developments	-81	-96	-92	-118	-93	-40	8	19	83	65	70
Expected pupil yield from this development	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705	1,705
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-1,787	-1,801	-1,797	-1,823	-1,798	-1,745	-1,697	-1,606	-1,622	-1,640	-1,635
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	1,705	1,705	1,705	1,705	1,705	1,705	1,697	1,686	1,622	1,640	1,635

Background notes:

Pupil forecasts 2023 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

KCC developer contribution assessment for Secondary (Years 7-11) Education

District:	Seale	Non-applicable units:	739
Site:	Land South And East Of Sittingbourne Kent	Houses:	5904
Plan ref:	SW/21/503914	Flats:	428
Date:	13/03/2024	Total units:	7150

Current and forecast pupils on roll for schools within

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups										
		2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
4002	Sittingbourne School	1,402	1,418	1,464	1,497	1,487	1,514	1,519	1,521	1,536	1,520	1,468
4080	Higsted Grammar School	720	688	714	714	701	724	718	715	707	707	665
4527	Borden Grammar School	664	686	701	721	714	724	721	720	721	715	694
5414	Fulston Manor School	1,860	1,857	1,867	1,863	1,863	1,861	1,873	1,865	1,866	1,846	1,815
5434	Westlands School	1,595	1,591	1,661	1,690	1,691	1,746	1,747	1,749	1,749	1,753	1,716
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		5,441	5,440	5,606	5,706	5,676	5,791	5,776	5,768	5,788	5,741	5,579
Required capacity to maintain 2% surplus capacity		5,552	5,551	5,721	5,822	5,792	5,910	5,894	5,897	5,907	5,858	5,692

Current and forecast capacity for schools within

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups										
		2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
4002	Sittingbourne School	1,410	1,440	1,440	1,440	1,410	1,380	1,350	1,350	1,350	1,350	1,350
4080	Higsted Grammar School	750	690	690	690	690	720	750	750	750	750	750
4527	Borden Grammar School	660	690	720	750	750	750	750	750	750	750	750
5414	Fulston Manor School	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
5434	Westlands School	1,590	1,560	1,545	1,500	1,455	1,440	1,425	1,425	1,425	1,425	1,425
Current and forecast capacity (1)		5,460	5,430	5,445	5,430	5,355	5,340	5,325	5,325	5,325	5,325	5,325

(1) including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil yield from new developments within

Planning reference	Details	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups		
		Houses	Flats	Secondary product
SW/24/50552	151 Sealehurst Road Sittingbourne Kent ME10 1J5	20	24	5
SW/24/50438	The Former Pumping Station St Michaels Road Sittingbourne Kent ME10 1AX	0	10	1
SW/24/50001	Land Off Sheppey Way Inwide Kent ME9 9JY	6	0	1
SW/23/505678	Land West Of Warden Road Eastchurch Kent ME12 4EJ	27	3	1
SW/23/50558	87 High Street/1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	18	1
SW/23/505365	Land To The Rear Of Eden Meadow Newington Kent ME9 7JH	25	0	5
SW/23/50380	The Garden Bellamy House Lynsted Lane Lynsted Sittingbourne Kent ME9 9RL	3	3	1
SW/23/503467	Pembury Court Pembury Street South Of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/23/503228	Coodleshall Walk Car Park St Michaels Road Sittingbourne Kent ME10 1AU	0	35	2
SW/23/503028	Land On Northern Side Of Canterbury Lane Upchurch Kent ME9 9JW	36	4	7
SW/23/502365	77-83 & 87 London Road, Sittingbourne, Kent ME10 1ML	0	15	1
SW/22/505646	Land At Upton Court Farm Borden Kent	290	0	58
SW/22/505399	W1 Desborough Hill Road Rushenden Queenborough Kent	22	0	1
SW/22/505076	Land At Pleasant Farm Bramblefield Lane West Of Inwide Bypass Sittingbourne Kent	42	0	8
SW/22/504274	Land At Sittingbourne Mill Mill Way Sittingbourne Kent ME10 2DZ	0	107	5
SW/22/503654	Land To The West Of Bobbing Sittingbourne Kent ME9 9JL	1,750	500	375
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN (S106)	50	0	0
SW/22/502881	Land South Of B Rushenden Road Queenborough Kent ME11 5HB	13	12	1
SW/22/502534	Land West Of Church Road Burchill Tonge Kent (S106)	251	75	0
SW/22/502096	Land To The East Of Scoles Road Minster-on-sea Kent	650	0	33
SW/22/501905	77 High Street Newington Sittingbourne Kent ME9 7J	10	0	2
SW/22/500601	Rudfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/22/500275	Land South Of London Road Newington Kent (S106)	135	0	0
SW/21/504612	25-29 Station Street Sittingbourne Kent ME10 3DU	0	3	0
SW/21/504014	The Lane 2 Church Street Milton Regis Sittingbourne Kent	0	12	1
SW/21/503722	128 High Street Newington Sittingbourne Kent ME9 7BH (S106)	39	0	0
SW/21/503544	Hillfield Hurts Dalight Borden Sittingbourne Kent ME9 9HX	5	0	1
SW/21/503498	Land Off Seavest Avenue Sittingbourne Kent ME10 4LU (S106)	135	0	0
SW/21/503096	Land To The North Of Lower Road Teynham Kent ME9 9EY	23	0	5
SW/21/502941	Land North Of Lower Road Eastchurch Kent	59	0	3
SW/21/502124	Land To The North Of Elm Avenue Minster-on-sea Sheerness Kent ME12 3RZ (S106)	44	0	0
SW/21/502609	Land To The East Of Lynsted Lane Lynsted Kent ME9 9JN (S106)	10	0	0
SW/21/502038	Northern Phase Regent Quay Crown Quay Lane Sittingbourne Kent (S106)	84	10	0
SW/21/501839	Land Off Otterham Quay Lane Upchurch Kent (S106)	74	0	0
SW/21/501740	Land At Hill Farm Rock Lane Keycol Hill Bobbing (S106)	30	0	0
SW/21/501234	Land At Fox Hill And School Lane Bapchild Kent ME9 9NL	95	0	19
SW/21/500204	181 House At Home 158-162 High Street Sheerness Kent ME12 1UJ	0	4	0
SW/20/506107	Reeds Orchard, Pursoavage Cluse, Minster-on-Sea ME12 3DX	9	0	0
SW/20/506066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	3
SW/20/505921	Land At Highfield Road Minster-on-sea Kent (S106)	19	0	0
SW/20/505156	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1UF (S106)	5	17	0
SW/20/505059	Willow Trees 111 High Street Newington Sittingbourne Kent (S106)	10	0	0
SW/20/503032	Dales Of Queens Trading Estate High St. Blue Town, Sheerness Kent ME12 3RQ	5	6	0
SW/20/503665	88-100 West Street Sittingbourne Kent ME10 1AS	0	10	1
SW/20/503636	The Former Kemsley Arms Public House The Square Sittingbourne Kent ME10 2SL	0	13	1
SW/20/503225	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	2
SW/20/502715	Bobbing Car Breakers Sheppey Way Bobbing Sittingbourne Kent (S106)	12	4	0
SW/20/502531	Moore Yard, Crown Quay Lane Sittingbourne Kent ME10 3JN	12	15	3
SW/20/502106	240-248 High Street Sheerness Kent (S106)	0	9	0
SW/19/505036	Land South Of London Road Teynham Kent ME9 9JY	70	10	15
SW/19/504831	Land at Scoles Farm, Minster on Sea, Sheerness Kent ME12 3RU (S106)	12	0	0
SW/19/504736	The Ivy Leaf, Members Club, High Street Sheerness ME12 1NL (S106)	0	6	0
SW/19/503974	Land East Of Inwide Kent ME9 9ST (S106)	395	48	0
SW/19/503145	12 Bramblefield Lane East Of Inwide Kent (S106)	22	0	0
SW/19/501693	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4B1 (S106)	0	24	0
SW/19/501332	Land At Pond Farm Grovehurst Road Sittingbourne Kent ME9 9RD (S106)	72	0	0
SW/18/506677	Halfway Egg Farm Featherbed Lane Sittingbourne ME9 9RA (S106)	19	0	0
SW/18/506460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HD	24	0	5
SW/18/506228	Land Lying To The South Of Dunlin Walk Inwide Kent ME9 8TG (S106)	20	0	0
SW/18/505157	Land North Of Sandling Way Inwide Kent ME9 8TJ	60	5	12
SW/18/503272	Land at Great Grovehurst Farm Grovehurst Road Sittingbourne (S106)	110	0	0
SW/18/502190	Land North of Quinton Road Sittingbourne	913	201	193
SW/17/505711	Land at Wises Lane, Borden (S106)	675	0	0
SW/16/507689	Land between Frogal Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		6,788	1,252	771
This development:		5,964	428	1,218

Assessment summary

Details	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	-92	-121	-276	-392	-437	-570	-689	-561	-582	-533	-367
Expected pupil yield from new developments	771	771	771	771	771	771	771	771	771	771	771
Surplus / (deficit) capacity including the expected pupil yield from new developments	-663	-692	-1,047	-1,163	-1,208	-1,341	-1,340	-1,132	-1,153	-1,304	-1,129
Expected pupil yield from this development	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-2,081	-2,110	-2,265	-2,381	-2,436	-2,559	-2,558	-2,550	-2,571	-2,522	-2,357
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218	1,218

Background notes:

Pupil forecasts 2023 employed from September 2023. Incorporating roll data from Schools Census Autumn 2022. Data from the Health Authority includes pre-school children born up to 31st August 2022. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

Education Build and Land Contributions
Appendix 1a

Site Name	Land South & East Sittingbourne
Reference No.	21/503914
District	Swale

	Houses	Flats	Total
Unit Numbers	5984	428	6412

Primary Education			
		Per house	Per flat
<i>Primary pupil generation rate</i>		0.28	0.07
New Primary Pupils generated from this development			1,705
New Primary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£25,289.80	£7,081.20	£1,770.30
Contribution requested towards New Primary School Build			£43,131,589.20

Secondary Education			
		Per house	Per flat
<i>Secondary pupil generation rate</i>		0.20	0.05
New Secondary Pupils generated from this development			1,218
New Secondary School build contribution			
	per Pupil	per House	per Flat
<i>New Build Rate</i>	£27,935.95	£5,587.19	£1,396.80
Contribution requested towards New Secondary School Build			£34,031,575.36

Special Education Needs			
		Per house	Per flat
<i>SEN pupil generation rate</i>		0.0110	0.0027
New SEN Pupils generated from this development			67
New Special Educational Needs build contribution			
	per Pupil	per House	per Flat
<i>New Build/Expansion Rate</i>	£50,893.35	£559.83	£139.96
Contribution requested towards New SEN School Build			£3,409,925.60

Notes

Costs above will vary dependant upon land price at the date of transfer of the school site to KCC
 Totals above will vary if development mix changes and land prices change

Appendix 3B - Communities' Assessment

**Communities Assessment Report
Appendix 2**

**KCC Communities
Development Contributions Assessment**

Site Name	Land South & East of Sittingbourne
Reference No.	21/503914
District	Swale
Assessment Date	30/05/2024
Development Size	7,150
Non-Applicable Dwellings (under 56sqm GIA)	738

COMMUNITY LEARNING & SKILLS (CLS)

CLS generally operates from one central location per district owned by KCC. Many practical courses require resources (e.g., potter's wheels, kilns, stained glassing making equipment) that are not portable. Locations per district can be found on the Kent Adult Education website.

Provision of general courses (such as modern foreign languages, Maths, English and ESOL) are at capacity within these main centres. To increase capacity, CSL operates an outreach programme to bring services directly to communities: new developments will be required to contribute towards the cost of equipment and resources.

There is currently physical capacity within the hubs for specialist courses. However, increased enrolments will place additional demands on IT, learning technology and other equipment. New developments will also be expected to contribute towards this.

New adult participation from this development **317 clients**

Contributions requested from this development	£34.21 per dwelling
<i>7150 dwellings from this proposal</i>	£244,601.50

Contributions requested towards additional equipment and resources for Adult Education Centres and outreach provision serving the development.

INTEGRATED CHILDREN'S SERVICES - YOUTH / EARLY YEARS SERVICE

Historically, services for children and young people have been delivered from a static facility, typically youth/children's centres. The level of growth planned for each district will see the majority of development taking place away from the main hubs. To increase capacity and provide for the additional need created by new developments, much of the Youth/Early Years Services will be provided via Mobile/Outreach work. This will enable services to be delivered in the vicinity of new developments, increasing the likelihood of children, young people and parent/carers engaging with them. Therefore, all development will be expected to make contributions towards equipment and resources to enable Mobile/Outreach work to take place.

For expansions and enhancements of youth hubs and children's centres, including provision of specialist equipment and resources to increase capacity, this will be determined on a case-by-case basis, to mitigate the impact of growth. District provision will be assessed, and contributions requested where there is a project.

New Youth/Early Years Service participation from this development **882 clients**

Contributions requested from this development	£74.05 per dwelling
<i>6412 dwellings from this proposal</i>	£474,808.60

Contributions requested towards additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development.

LIBRARIES, REGISTRATIONS AND ARCHIVES (LRA)

New developments will place additional demands for both physical (hard copy) books and digital (eBooks/E-Audio) stock. The National Library Standard upper threshold recommends 1532 items per 1000 population; where stock levels are below this, contributions will be sought.

Library capacity has historically been based on Museums, Libraries and Archives (MLA) recommendation of 30sqm per 1,000 population – KCC does not currently meet this standard and has no plans to increase the number of libraries in Kent (the possible exception is the provision of new space on strategic sites/garden communities). In most cases, it will seek instead to meet the need generated by new growth by:

- Improving existing facilities
- Refits and reconfiguration
- Intensification of use

Library bookstock items per 1,000 population for Swale (Dec 2022) **669**

<i>Target: National Library Standard bookstock items per 1,000 population (upper threshold)</i>	1,532
---	--------------

New borrowers from this development **1844 borrowers**

Contributions requested from this development	£62.63 per dwelling
<i>7150 dwellings from this proposal</i>	£447,804.50

Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Sittingbourne.

Net contributions requested for KCC Communities' Services **£1,167,214.60**

Appendix 3C – Social Care Assessment

**ADULT SOCIAL CARE ASSESSMENT REPORT
APPENDIX 3**

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

Site Name	Land South & East of Sittingbourne
Reference No.	21/503914
District	Swale
Assessment Date	30/05/2024
Development Size	7,150

Net Social Care contributions requested: Social Care and Health Services	£1,293,292.00
<p>Kent County Council has statutory* responsibilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.</p> <p>To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.</p> <p>Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.</p> <p>The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.</p> <p><i>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</i></p> <p>* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005</p> <p>**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</p>	

A. ASSISTIVE TECHNOLOGY & HOME ADAPTATION EQUIPMENT	<i>Assistive Technology systems and Home Adaptation Equipment are delivered to vulnerable adults in their own homes, enabling them to: live with the confidence that help is available when they urgently need it and to remain independent in their own homes.</i>
B. ADAPTING COMMUNITY FACILITIES	<i>Adapting Community Facilities to be accessible for those with both mental and physical disabilities means vulnerable adults can access other support services and facilities safely and comfortably.</i>
C. SENSORY FACILITIES	<i>Sensory facilities use innovative technology to provide a relaxing or stimulating environment for people of all ages with sensory impairment conditions. The facilities may be used to calm stress and anxiety, or to encourage sensory development and social engagement.</i>
D. CHANGING PLACE	<i>Changing Places have additional features than standard accessible toilets to meet the needs of people with a range of disabilities and their carers. These toilets are usually located in or near a popular public area to ensure suitable facilities are available for use by vulnerable adults when necessary.</i>
E. SPECIALIST CARE HOUSING	<i>Specialist care housing includes extra care accommodation and other care living accommodation for those clients with special requirements. These requirements include but are not limited to, the elderly and those with physical and learning requirements.</i>

New Social Care Clients generated from this development:	660 client(s)
<i>Forecast SC clients generated from ALL proposed developments within the District (up</i>	1,511 clients
Contributions requested from this development	£1,293,292.00
Contributions requested towards Specialist Housing in the District, Assistive Technology & Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.	

Note: These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

Appendix 3D – Waste Assessment

Development Contributions Assessment over the planning period 1/1/2021 to 31/12/2030

Site Name	Land South& East of Sittingbourne
Reference No.	21/503914
District/Area	Swale
Assessment Date	30/05/2024
Development Size	7,150

Net Waste contributions requested:

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, meaning that it is responsible for the receipt and onward processing/disposal of household waste, providing Waste Transfer Stations (WTS), Household Waste Recycling Centre Services (HWRC) and monitoring closed landfills. Kent residents make approximately 3.5 million visits to HWRCs per year and each household produces an average of a 1/4 tonne of waste to be processed at HWRCs, and 1/2 tonne to be processed at WTSs annually. Kent's Waste Management services are under growing pressure with several HWRCs and WTSs over operational capacity (as of 2020).

In accordance with the Kent Waste Disposal Strategy 2017-2035, contributions may be sought towards the extension or upgrading of existing Waste facilities, or towards the creation of new facilities where a proposed development is likely to result in additional demand for Waste services. Existing Waste services will be assessed to determine the available capacity to accommodate the anticipated new service demands before developers are requested to contribute to additional provision. The proportionate costs of providing additional services for households generated from the proposed development are set out below:

A. WASTE TRANSFER STATIONS (WTS)

Additional waste generated by new households increase the throughput of waste and reduce speed of waste processing at Waste Transfer Stations.

1. Applicable dwellings from this development	7,150
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	70,100
3. Overall cost of increasing capacity for 70,100 new dwellings by 2030	£9,963,313.00
4. Cost per new dwelling (£9,963,313 / 70,100 new homes)	£142.13
Contributions requested from this development	£142.13 per dwelling
7,150 dwellings from this proposal	£1,016,229.50
Contributions requested towards Sittingbourne WTS	

B. HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)

Additional households increase queuing times and congestion at HWRC's and increase throughput of HWRC waste.

1. Applicable dwellings from this development	7,150
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	64,200
3. Overall cost of increasing capacity for 64,200 new dwellings by 2030	£3,338,400.00
4. Cost per new dwelling (£3,338,400 / 64,200 new homes)	£52.00
Contributions requested from this development	£52.00 per dwelling
7,150 dwellings from this proposal	£371,800.00
Contributions requested towards closer of Sheerness, Sittingbourne or Faversham HWRC	

Net Contributions requested for KCC Waste from this development	£1,388,029.50
--	----------------------

* Estimated

Note: These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

4. Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, provided the following commentary direct to the Borough Council on 8 April 2024 (Appendix 4A).

Appendix 4A – Minerals and Waste Planning Authority Response

From: Bryan.Geake@kent.gov.uk
Sent: Monday, April 8, 2024 9:20 AM
To: Matt Duigan

Subject: RE: Comments for 21/503914/EIOUT

Dear Matt

Planning Application 21/503914/EIOUT

Thank you for your email regarding the above. In terms of safeguarded mineral potential, the southern site (application ref: 21/503914/EIOUT) is somewhat less than that of the northern site. Therefore, the County Council has no particular concerns for safeguarded mineral deposits in this area, and raises no objection on mineral safeguarding grounds. I hope that is useful for your determination of the proposals, if you would wish to discuss any of the above further, please do not hesitate to contact me again.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI Bryan Geake | Principal Planning Officer | Minerals and Waste Planning Policy | Growth, Environment and Transport | Kent County Council First Floor, Invicta House, County Hall, Maidstone, Kent ME14 1XX | Telephone: 03000 413376 | www.kent.gov.uk/planning

5. Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority Planning Authority, provided the following commentary direct to the Borough Council on 27 March 2024 (Appendix 5A).

Appendix 5A – Lead Local Flood Authority Response



Matt Duigan
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX

Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SBC/2021/086050
Date: 27 March 2024

Application No: 21/503914/EIOUT

Location: Land South And East Of Sittingbourne Kent

Proposal: Southern Site. Outline Planning Application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorpace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorpace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighbourhood facilities including commercial, business and employment floorpace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorpace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works

Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have the following comments:

Since our last response dated the 30th of January 2023, further communications have been had with the with the applicant's drainage representatives that has addressed those previous concerns stated.

In a meeting held on the 3rd of March 2024, it was confirmed by the applicant's consultant that the 3.1 litres a second per hectare discharge rate used in the design submitted was to

demonstrate the operational capacity of the system and that detailed designs going forward will utilise a complex control with a staged discharge rate equivalent to the required critical rainfall events.

Further clarification was also provided regarding the onwards conveyance of surface water from the parcels previously detailed whereby, the existing dry valley will be utilised directly or on site drainage swales will be constructed connecting into these valley features.

As part of the conversations, we explained that we will expect for the detailed design of the drainage network to be submitted as part of any reserved matters application in order to demonstrate that the drainage can be accommodated within the site layout proposed. In addition to this, demonstrate that there is no increase to the risk of flooding to or from the development in association with surface water.

Whilst we aware Southern Water maintains their objection to the use of infiltration, the LLFA accept the general principles proposed for managing water quality as detailed in both the Environmental Statement (Volume 1 chapter 12) and the Drainage Strategy (Water Cycle Study - Vol 3 Surface Water). It is expected for any future Reserved Matters submissions to provide detailed information to demonstrate that sufficient measures are in place to protect receiving waters. This information will need to also contain the details of the Hydrogeological Risk Assessment referenced in para 12.21 of the Environmental Statement: Volume 3, Non Technical Summary in order to specifically demonstrate that there is no risk of pollution to groundwater.

Ultimately, the remit of groundwater protection rests with the Environment Agency, who we note raise no objection at this stage.

In relation to the technical document 16-023-R7010-11 (Rev A) relating to the appropriateness of the application of the sequential test and definitions cited within the Swale SFRA, this ultimately rests as a matter for the LPA to consider. However, given that the NPPF requires the application of the sequential test to consider the risk of flooding in association with all flood risks, we would suggest that the definition of the 'zones' be it either Flood Zone 3 or 'Surface Water Functional Flood Zones' seems a somewhat moot point, given that all parties agree that the dry valleys at times convey surface water and so form 'a risk' of flooding. That being said and regardless of what you as the LPA decide as to the appropriateness of the application of the sequential test, the requirement for a sequential approach to the design of proposals be they in association with infrastructure or dwellings would still apply and we would expect for evidence to be provided in association with any future submission to demonstrate that this has been considered accordingly.

Should you as LPA be minded to grant planning permission for the proposals, we would recommend that the following conditions with advisories be applied:

In association with future Reserved Matters Applications, we would emphasize that additional ground investigation will be required to support the use of infiltration (or indeed to support not using it). It is recommended that soakage tests be compliant with BRE 365 or BS 5930. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway feature will have an appropriate half drain time.

Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

Given the site is located within multiple Groundwater Source Protection Zones it is essential that further consultation is undertaken with the Environment Agency's groundwater protection team regarding the use of infiltration on this site, and their comments included within any submission.

Condition:

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition:

No development shall take place until the details required by condition 1 (assumed to be reserved matters condition for layout) demonstrate that an effective outfall for surface water is provided for the development layout. This information may include details of surveys of watercourses and culverts and / or details of any works that may be necessary to deliver an effective outfall for surface water.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water

Condition:

Development shall not begin until a phasing plan for the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority, which demonstrates the provision of the drainage network to serve any designated Phase 1 or subsequent phases prior to occupation. The phasing plan shall indicate and provide details of:

- any strategic provision for surface water drainage required across phases
- any temporary works requirement associated with the construction of the surface water drainage

Reason:

To ensure that any phase of development is served by satisfactory arrangements, at the time at the time of construction, for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment ref 16-023-3002 prepared by Glenn Charles Associates and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

Any detailed drainage scheme will also be required to demonstrate that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Neil Clarke

Sustainable Drainage Team Leader
Flood and Water Management

6. Heritage Conservation

Heritage Conservation 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 26 April 2024 (Appendix 7A).

Appendix 7A – Biodiversity Response



ECOLOGICAL ADVICE SERVICE

TO: *Matt Duigan*

FROM: *Helen Forster*

DATE: *26 April 2024*

SUBJECT: *21/503914/EIOUT Land South And East Of Sittingbourne*

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination.

Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

We advise that as the updated ecological information was limited to the Habitat Regulations Assessment we advise that our comments have not significantly changed. We advise that we would have expected an updated walk over survey to have been submitted as part of this application to demonstrate that the conclusions of the original survey are still valid.

We have reviewed the ecological information submitted with the planning application and we advise the following:

The following ecological surveys have been carried out:

- NVC surveys of the LWS and Ancient Woodland
- Bat emergence surveys
- Bat Hibernation surveys
- Bat activity/automated surveys
- Badger survey
- Dormouse surveys
- Breeding bird surveys
- Wintering bird surveys
- GCN HSI and eDNA surveys
- Reptile Surveys

- Invertebrate surveys

The surveys have detailed the following:

- The Swale SPA, SSSI and Ramsar site within 2km of the proposed development
- Local Wildlife Site and Ancient Woodland within or adjacent to the proposed development boundary
- A number of International/National/Locally designated sites within 5-10km of the proposed development site.
- Lowland mixed deciduous woodland, lowland meadow and open mosaic habitat on previously development land (all priority habitats) within the Highstead Quarry LWS
- The woodland within and adjacent to the site (including the ancient woodland and Corner's Wood LWS) has been assessed as lowland mixed deciduous woodland (a priority habitat)
- The parkland within the site has been assessed as Wood-pasture and Parkland (a priority habitat).
- Hedgerows throughout the site – hedgerows are a priority habitat and some hedgerows are considered important under the regulations.
- Building 4 (as per the Ecological Appraisal) recorded a brown long eared bat roost.
- Building 6 (as per the Ecological Appraisal) recorded a soprano pipistrelle bat roost and a brown long eared maternity roost.
- The quarry tunnels in the LWS considered to be used by brown long eared bats as a hibernation roost.
- Confirmed noctule bat roost within a tree in the LWS
- Possible common and soprano pipistrelle roosts within the trees in the parkland/Highstead wood AW.
- At least 6 species for bats recorded foraging/commuting within the site.
- 20 active badger setts recorded (including 3 main setts)
- Dormouse (population may have expanded since the 2017 survey)
- Brown hare (priority species)
- Potential for hedgehog (priority species)
- GCN recorded within a pond to the south of the site
- 71 species of bird during the breeding bird survey (35 species confirmed/probable breeders). Including barn owl a schedule 1 species (Wildlife and countryside Act 1981 (as amended).
- 50 species of birds recorded during the wintering bird survey (including farmland bird and priority species)
- Slow worm and common lizards
- At least 247 species of invertebrate – including species of notable conservation status.

The submitted ecological information provides a good understanding of the ecological interest of the site. However an updated site visit/ecological appraisal has not been carried out since the 2021 ecological reports were produced and the surveys are now at least 4 years old. When we previously commented we highlighted that it is likely/possible that the

dormouse population may have increased since 2017 particularly within the Highstead Quarry's Local Wildlife Site as at the time of the initial survey the vegetation had only recently established on site. This point has not been addressed within the updated mitigation strategy however we acknowledge that Highstead Quarry LWS is no longer being lost as part of the proposal.

Mitigation

The 'mitigation hierarchy' described in British Standard BS 42020:2013, which involves the following step-wise process:

- Avoidance – avoiding adverse effects through good design;
- Mitigation – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- Compensation – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm;
- Enhancement – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

We advise that the proposed development is not following the steps of the mitigation hierarchy as the proposal will result in the direct loss of Local Wildlife Site and Ancient Woodland through the creation of the road associated with the proposed housing – these areas are of at least county importance.. We note that the loss of LWS has been reduced since the original design but highlight that a large number of the protected species were recorded within the LWS and the AW and the creation of the road will result in the site being dissected in two. No green bridge has been proposed within this area to reduce the connectivity issue.

The National Planning Policy Framework (NPPF) (2023) paragraph 186 states *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”* We note that a detailed compensation strategy for the loss of the AW has not been provided as part of this application but information has been provided confirming at least 8.1ha of replacement woodland will be created within the site. We highlight that the compensation planting also incorporates the AW buffer for the area of ancient woodland in the south of the site. We highlight that part of the woodland planting would have had to be carried out to mitigate the impact on the area of AW in the south of the site and therefore the whole area can't be considered compensation for the loss of AW. We advise that the creation of the woodland planting can be considered as compensation under the NPPF but advice that SBC must be satisfied that there are wholly exceptional reasons for the proposal

An overarching mitigation strategy has been submitted as part of this application and mitigation largely relies on the creation of the proposed country park. We acknowledge that, theoretically, for the majority of species there is capacity within the site to support the species recorded within the site. However the ecological mitigation areas will also be used for other purposes such as the provision of SUDS and recreation – in particular we are

concerned with the impact of recreation. The report has tried to address this point by detailing that that dedicated amenity areas and informal recreation zones will be created to try and manage visitors/residents to the site. The majority of the open space areas are either minimal access or provide information recreation and from an ecology perspective we are supportive of this but due to the numbers of dwellings proposed and adjacent to the site we query if the impact from recreation will be greater than anticipated within the assessment. There is a need to ensure the proposed habitat creation can be implemented and retained on site to ensure the proposed species and habitat mitigation can be achieved. Currently we are concerned that the proposed mitigation will not be achievable and we advise that SBC must take advice on that point internally / organisations with experience of managing open space.

A skylark mitigation strategy has been proposed for the adjacent habitat to the site to provide skylark mitigation as skylarks required open areas for breeding. However we understand that the land proposed for skylark mitigation is currently being considered under application 24/500125/FULL as a solar farm. Therefore the previously proposed mitigation is no longer valid and further details on the proposed mitigation are required. We highlight that even if application 24/500125/FULL is not implemented this site may no longer be suitable as a mitigation option due to the numbers of skylarks which were recorded during the breeding bird surveys for that application.

A biodiversity net gain assessment has been submitted and it has assessed that an anticipated net gain of up to 21% for habitats is proposed. The results of the BNG metric is largely based on the proposal to improve the condition of the retained habitats within the site. As detailed above we have concerns that the recreational pressure will not enable the habitats to establish as intended and therefore the resulting in the development not achieving the anticipated net gain.

To enable connectivity across the road culverts/hop-overs and one green bridge is proposed. However we note that the green bridge is within the urban area which doesn't appear to be the best location to support wildlife connectivity – we would expect it to be located in areas where it links habitat – such as two sections of the country parks. We recommend that a green bridge is created to link sections of the country park. Details of the green bridge must be provided to enable SBC to consider if it is appropriate.

The lighting design principal plans provides details of where there will be avoidance of lighting spill or restrictions on lighting spills – this includes areas directly adjacent to the main road. We query why the lighting plan does not demonstrate that the intention is to minimise light spill within all areas where roads are adjacent to green space – for example the proposed/existing road through the LWS. As the lighting plan will impact the proposed road we advise that SBC will need to be satisfied that restricted lighting within those areas is achievable.

Habitat Regulations Assessment

We have reviewed the HRA and we advise that additional information is required regarding the curlew mitigation.

The report has concluded that the proposed could have a negative impact due to recreational pressure, loss of functionally linked land for curlew and habitat degradation due to air quality.

Recreational Pressure

The following mitigation is proposed to mitigate the impact of recreational pressure:

- Enhanced payment to the SAMMS
- Creation of open space within the site.

We advise that we are satisfied that the above measures are appropriate.

Functionally Linked Land

Curlew have been recorded within the site on a sporadic basis and the HRA has detailed that to mitigate the impact and to provide further certainty on this aspect, a proportionate and justified financial contribution could be made to offsite projects to deliver new habitat creation for this species. The submitted information has detailed that It is proposed that further details of such measures are secured by condition or planning obligation however information must be provided to confirming what measures will be implemented to ensure that an offsite project can be implemented.

Air Quality:

The report has concluded the following:

- No measurable change to NO_x, ammonia or N deposition along the A299 is expected to occur as a result of the proposed development;
- Along the A249, there would be an exceedance of the relevant critical levels/loads within 25-40m of the road. The majority of this area comprises vegetated highway verges of negligible importance in terms of the SPA/Ramsar;
- The proposed development itself is anticipated to result in a small increase in the area subject to exceedance of such levels relative to the without development scenario, in the region of an additional 5m from the road. This equates to approximately 1.5ha of the SPA/Ramsar, comprising around 0.023% of the total area;
- Beyond 15m from the road, the change in nitrogen deposition is below 1.3kg, such that no measurable change in vegetation is anticipated beyond this distance. No supporting habitats are located within 15m of the road;

On the understanding that the highways assessments used to inform the HRA are correct we advise that we agree with the conclusions regarding the impact due to air quality. However if the highways assessment is incorrect we advise that the HRA will have to be reviewed following the update of the highways assessment.

If you have any queries regarding our comments, please do not hesitate to get in touch.

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

Base Line Ecological Appraisal; June 2021
Ecological Mitigation Strategy; Aspect Ecology; October 2022
Report to Inform HRA; Aspect Ecology

8. Culture and Creative Economy

The County Council requests details around the consideration of cultural facilities and activities in the immediate and surrounding areas and would draw the applicant's attention to the [Cultural Planning Toolkit](#).