



Growth and Communities

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

Invicta House
MAIDSTONE
Kent ME14 1XQ

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

BY EMAIL ONLY

26 June 2024

Dear Matt,

Re: Outline application with all matters reserved for a proposed development at land to the West Of Teynham, London Road, Teynham, Kent [application reference: 21/503906/EIOUT]

Thank you for consulting Kent County Council (the County Council) on the outline planning application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of the demolition and relocation of existing farmyard and workers' cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

The County Council notes that this application has been submitted alongside a related proposal at land south and east of Sittingbourne (reference: 21/503914/EIOUT). A separate response is being made in respect of that application, and where appropriate, the cumulative impact of these two applications is considered. Commentary will make it clear where this is the case.

The County Council draws reference within this response to the prior responses submitted in respect of this, and the related land at south and east of Sittingbourne 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. As such, the County Council is not in a position to properly assess whether proposed mitigation measures are acceptable. Furthermore, the Local Highway Authority has also set out within this response where further mitigation is required. 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.
- There continues to be insufficient information to demonstrate there would not be sterilisation of safeguarded mineral deposits. The proposal therefore fails to provide sufficient information to the County Council, as the Minerals and Waste Planning Authority, to fully assess whether the proposed development can invoke any exemption criterion of Policy DM 7: Safeguarding of Land-won Minerals (Kent Minerals and Waste Local Plan 2013-30 (as Partially Reviewed)).

The County Council would welcome engagement with the applicant and the Local Planning Authority in respect of the contributions required as detailed within Chapter 3 (Development Investment).

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 – delivering sustainable growth for the Swale Borough. The County Council will welcome engagement with the applicant and the Borough Council, as Local Planning Authority, in addressing the matters raised in this response.

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

Yours sincerely,



Stephanie Holt-Castle
Director – Growth and Communities

Contents

1. Highways and Transportation.....	6
Introduction	6
Transport Assessment Volume 3 - Site Context.....	6
TA Documents 4 & 6: Development / Highway Infrastructure Proposals	7
TA document 5: Sustainable Transport Strategy	9
TA document 7: Traffic Impact Assessment.....	9
TA document 8: (Mitigation Proposals)	15
Recommendation	15
2. Public Rights of Way	16
Transport Assessment Vol. 5	18
Transport Assessment Vol. 6	18
Appendix 2A – PRow Map	24
3. Development Investment.....	26
Request Summary	26
Justification for Infrastructure Provision/Development Contributions Requested	29
Education	30
Primary Education.....	30
Applicants Proposal – Primary School Site/Indicative Locations/Phasing.....	30
Nursery and Pre-School Provision	31
Special Education Needs and Disabilities Provision	32
Secondary School Provision	32
Secondary School Site.....	33
Provision of Education Places.....	33
Community Learning and Skills.....	33
Integrated Children’s Service – Youth Service/Early Years Service.....	34
Library, Registrations and Archives Service.....	34
Adult Social Care	34
Potential provision of care homes/extra care	35
Supported Living Accommodation.....	35
Waste.....	35
Implementation.....	36
Appendix 3A - Education Need Assessment / Education Land Assessment ..	37
Appendix 3B - Communities’ Assessment	41
Appendix 3C – Social Care	43
Appendix 3D - Waste Assessment.....	45

4. Minerals and Waste	47
Appendix 4A – Minerals and Waste Planning Authority Response	48
5. Sustainable Urban Drainage Systems	51
Appendix 5A – Lead Local Flood Authority Response	52
6. Heritage Conservation	58
7. Biodiversity	59
Appendix 7A – Biodiversity Response	60
8. Culture	65

1. Highways and Transportation

Introduction

The applicant has now submitted a suite of updated Transport Assessment documents following the previous consultation responses provided in early 2023, and now seeks to enable determination of this application in isolation, without reliance on the wider Highsted Park application (21/503914/EIOUT) and the highway infrastructure contained within that proposal for a southern link road between the A2 and the M2.

As the previous submission had only envisaged a single planning scenario that assessed the impact of both applications together, it could not be determined on its own merits. The current application has therefore provided traffic modelling and assessment of the scenario where only the Sittingbourne Northern Relief Road between the A2 and Swale Way is delivered, and the southern development with its associated infrastructure is entirely excluded. The response below will comment on the following updated Transport Assessment documents where appropriate:

- Transport Assessment Volume 1 (Rev A) – Executive Summary
- Transport Assessment Volume 2 (Rev C) – Policy Context & Strategic Justification
- Transport Assessment Volume 3 (Rev D) – Site Context
- Transport Assessment Volume 4 (Rev A) – Development Proposals
- Transport Assessment Volume 5 (Rev D) – Sustainable Transport Strategy
- Transport Assessment Volume 6 (Rev A) – Highway Infrastructure Proposals
- Transport Assessment Volume 7 (Rev E) – Traffic Impact Appraisal
- Transport Assessment Volume 8 (Rev D) – Mitigation Proposals

Transport Assessment Volume 3 - Site Context

Baseline Operation

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

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

Action - Clarity is required for the two figures mentioned above that we are unable to replicate, and evidence that the correct figures have been used in the modelling.

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 considers that the information is relevant at this stage in the process 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 Documents 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) and access strategy are therefore illustrative only, and provide a level of detail to give an indication of where the roads, junctions and site access locations may be located, and allow assessment of the high level road network. Further detailed assessment of local roads in the immediate vicinity would be undertaken at Tier 2 stage.

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

Conceptually, Hempstead Lane would be severed across the new road and a turning head provided on the southern section to facilitate access from the A2 only. The principle of this is agreed, together with the SNRR being provided as 7.3m wide road and additional off-carriageway cycle provision. This will need to accord with the guidance contained within LTN1/20, and will be determined at Tier 2.

Link North of Bapchild from Junction X to R

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

Link connecting to the SNR between junction X to W

Heading to the south, the proposed continuation of the SNRR elevates over Lomas Road and the North Kent Mainline railway. Pre-application discussions with Network Rail on the

principle of a bridge as demonstrated were conducted. During those discussions it was acknowledged that the bridge would provide for strategic highway as identified with the County Council's Local Transport Plan 4. As is appropriate for this stage of an application, no agreement for the structure has been secured between the applicant, Network Rail and the Local Highway Authority.

A condition requiring an agreement for the structure, ownership and maintenance must be secured prior to any commencement of the development were it to be approved.

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

Lomas Road

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

Junction U – Lower Road

This junction is described as a bus gate, though the access strategy drawings indicate that it provides primary access to the development, and illustrated by the width of the spine road leading to it with no turning facilities.

Action – Clarity is sought to how this has been accommodated in the traffic modelling.

Junction V - Frognal Lane

This is shown as a secondary access. It is noted that this section of Frognal Lane is due to be connected to the new spine road being provided by the adjacent development at Frognal Gardens, which will join the A2 at a new roundabout. It is not clear how this has been accounted for in the traffic modelling.

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

Framework Pedestrian and Cycle Routes

It is noted that PRow are generally retained along their existing alignments. The County Council would welcome engagement to ensure all PRow is retained to ensure improved amenity for new and existing communities. The County Council, as Local Highway Authority would draw attention to Chapter 2 of this response which is focused on PRow matters.

North/south routes are well served as are east/west routes that appear well considered to be aligned to create direct links between the development and local amenities schools and the train station. The County Council would request further engagement as the scheme design and development progresses.

Due to the existing constrained section of Lower Road between the proposed site and Teynham station further off-site improvements to Lower Road would be required to promote NMU access. The design of this would need to be secured via appropriate obligations for approval at Tier 2.

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

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 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 or available from emerging technologies at that time. The S106 agreement will also need the flexibility to secure the financial contributions associated with any measures that are subsequently approved or required once the cost plans are known nearer the time.

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

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

Improvements to cycle parking convenience are welcomed with easier accessibility integrated into proposed dwellings. These would need to be both secured and sheltered.

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

TA document 7: Traffic Impact Assessment

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

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

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

New comment - The latest Traffic Impact Assessment (TIA) submitted for this application has been produced to separate the appraisals for each of the current applications, and this approach should now cater for the stand-alone determination of application 21/503906/EIAOUT without the need for the associated application 21/503914/EIAOUT. It should be noted that the latter application for the wider Highsted Park proposals south of the A2 is still solely reliant on the previously submitted combined TIA dated September 2022.

Strategic Modelling

The strategic modelling has been carried out based on the 2038 LPR 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 Frognaal Gardens highway infrastructure forming a new roundabout junction onto the A2, and the severance of Frognaal 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. It is indicated from section 3.4 of the TIA that they are included in the updated model, but it is noted that the trips shown in Table 3.3 for the respective developments does not correspond. The trips for the Swanstree Avenue development, taken from the associated transport assessment, appear to be listed under the trips for the Church Road development. Assuming that the trips listed under Swanstree Avenue are in fact those for Church Road, the Local Highway Authority has not been able to verify the figures against those provided in the transport assessment and latter technical notes submitted for that development. The data can be extracted from the Vectos response note of 28th September 2022. It should also be noted that the Church Road development safeguards land for the Sittingbourne Northern Relief Road, and that will affect the number of dwellings that can be delivered on that site, reducing from the 380 maximum permitted if the safeguarded land is not used to deliver the SNRR.

Action – The data used to indicate the trips shown in Table 3.3 needs to be evidenced and verified accordingly to ensure that the 2038 DRC model has been updated as requested.

2038 with Development Model

The methodology described within section 3.5 is agreed.

Strategic Model Summary

Given the above query regarding the development trips for Land at Church Road, the LPR travel demand figures in Table 3.6 will need to be amended, together with paragraph 3.6.1. It is also noted that table 3.6 is displayed in vehicle trips, and not in percentage increases as labelled.

Proposed Development Travel Demand

Trip Rates

The trip rates derived from TRICS and summarised in Table 4.2 are agreed and considered robust for the purposes of this assessment.

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.

Strategic Model Output

Forecast Link Flows

As queried above, the highway infrastructure assumptions for the updated 2038 LP 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.

Difference in Link Flows

There is a referencing error in paragraph 5.1.9 regarding Figures 5.6 and 5.7, as the text in the sentence has not been linked correctly. Notwithstanding the above actions, a review of Tables 5.1 and 5.2, and Figures 5.8 and 5.9, that indicate the two-way traffic flows and flow differences between the 2038 Reference Case and 2038 With Development, flag up a number of queries that need further explanation. Link 22 (B2006 Staplehurst Road) shows an increase in traffic flow west of Sonora Way, but the links east and north conversely show a decrease despite being the only connections able to route the traffic through.

Action – The anomaly should be reviewed and further explanation provided.

As expected, the With Development case that includes the completion of the SNRR does indicate a reduction in traffic flows through Sittingbourne Town Centre in general, with the

exception of Swanstree Avenue and East Street. Of note, Tonge Road/Lomas Road, Dolphin Road, Lower Road, Castle Road, Crown Quay Lane and the A2 through Bapchild would see significant reductions.

However, whilst it is appreciated that flow differences are not shown on the new links, the model coding in Figures 5.8 and 5.9 does not correspond with the access arrangements envisaged for the development that are shown in Volume 6. The model is coded as link 1 having a connection onto Lower Road but drawing 16-023-6015 shows this as a bus link only and access onto Frogna Lane instead, which in turn will link into the adjacent development currently under construction.

Action – The coding for the With Development model should be clarified and amended if necessary.

Local Junction Testing

Depending upon the above modelling queries and actions being resolved, the current junction testing may not be relevant should the model have to be updated and new outputs produced.

Nonetheless, the following comments are provided in respect of the information presented within the TIA:

Junction Selection Methodology

Paragraph 6.2.2 lists the new junctions as part of the highway infrastructure that have been assessed using the appropriate modelling software of PICADY, ARCADY and LinSig. It is considered that in addition to these junctions, assessment should also be carried out for junction R (A2/SNRR Link S), and the two new A2 junctions that will provide access to the current A2 section through Bapchild.

Action – Capacity modelling should be included for the three additional junctions listed above that form the highway infrastructure associated with the SNRR.

Capacity Assessment Outputs

It is noted under the current modelling that all of the junctions listed in paragraph 6.2.2 show that the new highway infrastructure is predicted to operate within capacity during the AM and PM peak periods. However, as stated above, capacity modelling will still be required for the additional junctions named above to complete the assessment.

The initial outputs from the local junction assessments of the wider highway network identified in paragraph 6.2.6 are summarised in tables 6.1, 6.2, 6.5 and 6.6. As expected from those junctions that are predicted to experience a decrease in traffic flows following the delivery of the SNRR, these would perform better in the 2038 With Development scenario compared against the 2038 Reference Case. However, no detailed review of the capacity modelling will be undertaken while uncertainty remains over the validity of the 2038.

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

- Junction 6 A2-St Michaels Road/West Street – The junction assessment technical note incorrectly refers to this as Ufton Road in paragraph 3.2, and should be corrected to Ufton Lane.
- 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 be provided.

Net Traffic Impacts

Notwithstanding the queries raised above, the current review of the modelling shows improvements to the operation of congested junctions within Sittingbourne, and significant reduction in traffic flows on Tonge Road, Lomas Road and Dolphin Road. However, traffic flow along the A2 to the east of the site through Teynham and Faversham would increase. The model outputs only consider the junction performance and not the impact on the links between. Assessment of the flow capacity on the A2 corridor east of the site is required to inform whether the increase can be accommodated.

The junction assessments indicate a number of junctions around Faversham that exceed capacity in the 2038 Reference Case will worsen in the 2038 With Development scenario. Further justification of the minor impact stated in the TIA is required to fully detail the implications on the A2 through Faversham, Ospringe and Teynham, considering the constrained nature of the highway at those locations. This will of course need to be informed by the outputs from updated 2038 models responding to the other comments that have been made above.

If necessary, the development will have to consider how this can be appropriately mitigated.

Action – A clearer assessment of the highway conditions along the A2 east of junction 29 (G) to be undertaken and mitigation provided as required.

TA document 8: (Mitigation Proposals)

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 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.

Recommendation

On the basis of the above assessment, the County Council, as Local Highway Authority, maintains a holding objection until such a time as further evidence is provided for consideration.

2. Public Rights of Way

The County Council is keen to ensure that its interests are represented with respect of 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 ZU16, ZR189, ZR191, ZR192, ZR193, ZR257, ZR256, and Restricted Byway ZR195 are located within the site and would be directly affected by the proposed development. The locations of these paths are indicated on the attached map. 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. In respect of PRoW matters, 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.

As with our response to 21/503914, the following comments are made:

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 overall development, construction traffic, noise, visual intrusion, and loss of tranquillity, all contribute to the quality of the user experience inherent in a recreational walk or ride.

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 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; this is unsatisfactory and is contradictory throughout documents and it is difficult for consultees to attempt to know which PRow is being referred to. There is incorrect labelling of PRow (and on some plans completely omitted); 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 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. Our 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 and 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 multiple application documents, however with no reflection of previous commentary made by the County Council, and the further detail given is insufficient or incorrect. 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:

Transport Assessment Vol. 5

Sustainable Transport Strategy

Overall, the County Council considers that this is very disappointing for a development of this scale and over such a time period. The County Council would expect this strategy to be focussing on forward thinking, progressive travel options, which the document does not do and this should be rectified. The reference to the PRoW Network is only that of connections onto or use as existing leisure routes, the amenity of which will be heavily impacted as outlined above. The focus here appears to be on creating new routes instead of realising the opportunities provided by the current Network rights through positive incorporation and design. There is reference to the Kent Cycling and Walking Improvement Plan, which merely reflects long term aspirations to deliver opportunities for Active Travel. The County Council continues to be disappointed with the omission of the County Council's ROWIP. The ROWIP should be included as relevant local planning guidance as the plan sets out the County Council's commitment to ensuring and promoting sustainable travel options for all.

Appendix A Active Travel Audit

The reference to "potential interventions" includes mention of PRoW connections but with no substance i.e. which PRoW and what interventions? The County Council requires more than "potential" being proposed; a more definitive approach must be considered. The focus appears to be on routes East towards Teynham but should equally focus to the West into Sittingbourne for commuting to e.g. the Eurolink industrial area and the residential area of Great Easthall.

Appendix B Pedestrian and Cycle Connections

The colour code is misleading, and again there is no consistent labelling or reference of the PRoW routes ensuring this plan lacks clarity or correct information. See above regarding overall quality of plans and drawings.

Transport Assessment Vol. 6

Highways Infrastructure Proposals

Although PRoW routes affected are included, they are simply referenced as being "retained" with no proposal for improvement or consideration to design into the proposed new layout. The County Council is disappointed with this approach.

Appendix A Design Drawings: Scheme Overview Plan

The Plan omits PRoW routes which is not acceptable as they provide part of the overall Highway Network.

General Arrangement Sheet 1 of 3

The Sheet shows Public Footpath ZR192 crossing the proposed road, but with no suitable crossing point shown which would give pedestrian safety. Public Footpath ZR193 routes through land marked as *retained*, which gives opportunity to upgrade this route to allow cycle use and connect onto the new road via Hempstead Lane or the turning point onto the retained land. The County Council would see this as an example of new links, upgrades and opportunities expected as enhancements to the network in addition to mitigation, compensation, and management to both retain and improve the quantity and quality of access provision.

General Arrangement Sheet 2 of 3

It is unclear how Public Footpath ZR205 joins the proposed new road. ZR191 and ZR205A are north and south of the existing A2 and proposed new road, no appropriate crossing is designed which would be necessary to ensure north south connectivity and the road would be on a bend. ZR191 to the north crosses the proposed road east of Junction X, and again there is no suitable crossing for pedestrian use shown and is another example of a severed PRow route. ZR192 to the east again is crossed and severed by the proposed road, again without suitable crossing and appears to be affected by a turning head. All these proposals are unacceptable, given the close proximity of the impact on these routes.

General Arrangement Sheet 3 of 3

Public Footpath ZR189 is severed by the proposed roundabout. The proposal that the PRow user should use the new crossing point requires much further consideration, not least that the PRow is to be upgraded to Public Bridleway through the Land West of Church Road development. A Public Bridleway requires the appropriate crossing to reflect the more vulnerable nature of the users (particularly equestrian). There also remains a possibility that the route will also require diversion with positive design within an open green corridor as part of the Land at Church Road application. There would appear to be a fundamental conflict and lack of information between the two planning applications which would require urgent resolution. The County Council considers that the applicant of this proposal should be aware of such "live" applications.

The County Council is also concerned regarding the location of the proposed road in close proximity to the junction of ZR189 and Lomas Road, given the upgraded user rights, in terms of visibility as well as the lack of crossing of the road if continuing along Lomas Road toward Sittingbourne centre. This demonstrates a lack of consideration for the existing networks of PRow and rural lanes.

Proposed Lower Road/Frogna Lane Vehicle Access

The drawings on this plan omit the PRow route Public Footpath ZR256, which runs close to Frogna Farmhouse. There is also therefore no indication of how ZR256 will be positively incorporated into the design. The exact access use of the proposed new road is unclear and given the narrow nature of Lower Road and its use by pedestrians and cyclists for wider connectivity, as well as existing use as a commuter rat run into and out of Sittingbourne, is of great concern. These proposals require far greater clarity and are unacceptable as shown.

The County Council would also take this opportunity to register its significant misgivings at the focus of promoting routes to Teynham station for Active Travel. There would need to be partnership working with Network Rail due to the pedestrian crossing facilities at the station with the legal alignment of Public Footpath ZR239 currently over an at grade crossing. The long term safety issues here would only be exacerbated without significant improvements to the crossings as any increase of use would add to the current high level of risk. The applicant must also take advice from Network Rail regarding the recent application to close the rail crossing at ZR681/ZR247, which they may be pursuing through the Secretary of State. There is a lack of a robust Active Travel strategy to ensure quality pedestrian and cyclist access to either Teynham or indeed Sittingbourne stations is achieved. New residents are equally likely to use Sittingbourne station for the further rail services it provides (HS1 to Ebbsfleet, Stratford International and London St Pancras). The current proposals relying on Lower Road and Lomas Road are lacking in consideration of pedestrian and cycle safety given the existing current use. Further consideration of this issue is therefore required.

Tonge Country Park

Drawings/legends refer to “existing PRoW” however no routes are shown. This is adding to the Council Council’s concerns regarding how the PRoW Network is perceived by the overall application. These drawings require amendment with correct information and labelling. Public Footpaths ZR190, ZR191, ZR192 are all in proximity of the park.

Illustrative Master Plan North

The plan does not include PRoW routes which are required for overall, holistic view of the development.

Parameter Plan: Development North

The plan does not include PRoW routes, access is merely marked with an arrow at exit/entry point to the site.

Framework Plan Pedestrian and Cycle

The County Council notes that this plan includes the incorrect colour coding of PRoW; ZR195 is a Restricted Byway and is shown as Public Bridleway; PRoW not labelled or referenced as above. This demonstrates a lack of consistency in the current submission and requires amendment.

The above are examples of incorrect, inconsistent, or omitted information shown across a range of documents. For the County Council to detail such comments on all the application documents would require this response to be even more substantial; the County Council therefore requires that all documents are checked and amended as necessary to show the PRoW Network as outlined in this response. The many assumptions being made in the various chapters that attempt to address PRoW, are not sufficiently robust or accurate and are therefore leading to inaccurate assessments of sensitivity, magnitude and ultimately underestimating the significance of the effect of the development.

Overall comments:

- 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 decision to separate the two applications, 21/503914 and 21/503906, the potential impact of both cannot be ignored and therefore the response reflects the cumulative effect on the Borough from this application and application 21/503914.
- 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 County Council believes 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 Frogmal 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.
- The County Council expects that for the PRow network in the vicinity of the proposed development and in the event of any future permission being granted, the applicant should 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 requests urgent engagement with the applicant to discuss the impact of the proposals on and the management of the PRow & 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 (can 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 ensures 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 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.

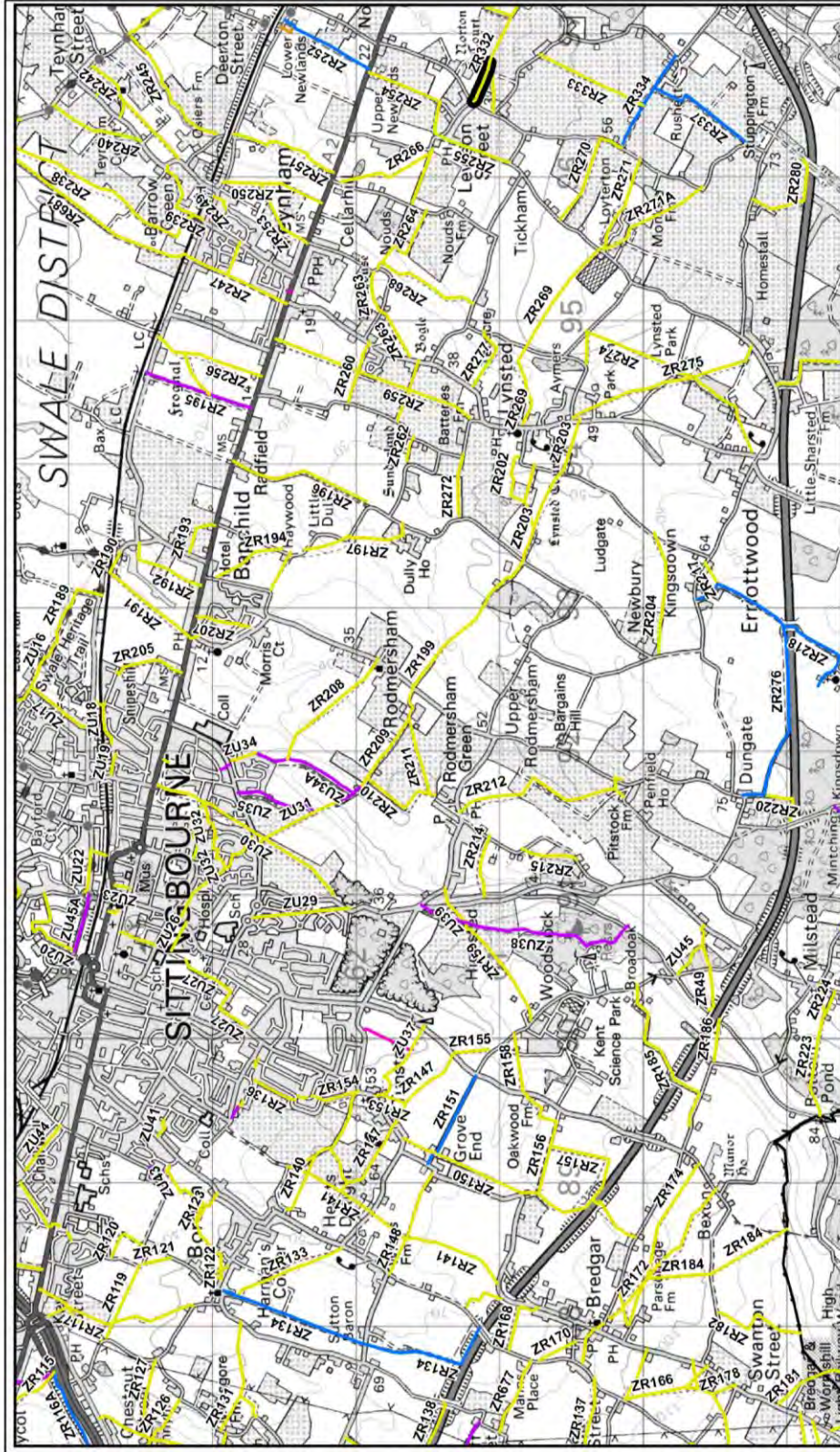
In the event planning permission is granted, the County Council requires that the following is required by condition:

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



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

17/506551/EIASCO - Public Rights of Way Map

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

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Scale: 1:35,000



0 Kilometres
0 Miles

	Public Footpath
	Public Bridleway
	Restricted Byway
	Byway Open to All Traffic



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 the Highsted Park South application SW/21/503914, and indeed provisions have been proposed for both sites, particularly Secondary education. However, the applications are separate and will be reviewed independently. The County Council would therefore wish to draw the Local Planning Authority's particular attention to the Secondary, Special Education Need and Waste requirements, and how these matters should be dealt with if the applications proceed independently.

Request Summary

Table 1

	Per 'Applicable' House (1036) *	Per 'Applicable' flat (68) *	Estimated Total	Project
Nursery	26 place Nursery at the new 2 Form Entry primary school – Provided as part of the 2FE primary school			
Primary Education	£7,081.20	£1,770.30	£7,456,503.60*	New on-site 2FE primary school and/or increased capacity in the

				Sittingbourne South or East Planning Groups
Primary Land	1 No. 2FE Primary School site of 2.5ha at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£589,501.16*	Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough
Secondary Education	£5,587.19	£1,396.80	£5,883,311.24*	Towards new secondary school to serve this development in the Sittingbourne non selective and Sittingbourne and Sheppey Selective Planning Group
Secondary Land**	New Secondary School site to be provided at no cost to the County Council, on the South site. Where Highsted Park (North & South) proceed together, the North Site to contribute proportionately as below:			
	£3022.72	£755.68	£3,182,924.16 *	Towards land acquisition costs of a new secondary school in the Sittingbourne area

Please Note:

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

* The County Council has used the housing mix referenced in the January 2024 Planning Statement Addendum Para 3.3 Table 3.1). The applicant has previously advised in correspondence that 10% of 2 bed flats/houses will be restricted to occupancy for over 65s. the County Council has applied this mix and removed the age restricted dwellings as non-applicable for education assessment, subject to a legal Agreement restricting occupancy age in the age restricted dwellings in perpetuity.

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

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

Table 1 continued:

	Per Dwelling (x1250)	Total	Project
Community Learning and Skills	£34.21	£42,762.50	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
Integrated Children's Services	£74.05	£81,751.20	Towards additional resources and equipment to enable outreach services delivery in the vicinity, and/or the upgrade of existing youth facilities or sport infrastructure in the Borough
Library, Registrations and Archives	£62.63	£78,287.50	Towards additional resources, services and stock, the local mobile Library service and works to Sittingbourne Library to increase capacity to meet the needs of the development.
Adult Social Care	£180.88	£226,100.00	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2). Levels of Extra Care provision to be defined.		
Community Buildings	*Design that is Dementia friendly with dementia friendly decoration and signage.		

specification:	<p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org)</p> <p>* Provision of secure storage for Kent County Council's Social Care, Community Learning, Libraries and Youth Service.</p>		
Waste	£194.13	£242,662.50	Towards a new Household Waste Recycling Centre on the new Highsted Park South site and/or HWRC at Sittingbourne and/or increases in capacity at Faversham HWRC. And increases in capacity at the Waste Transfer Station in Sittingbourne.
Waste Site	<p>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 North proceed independently, or the combined Highsted Park North and South proceed. If the new HWRC is ultimately located on the South site and the North site is in separate ownership, any land cost should be dealt with by the applicants through a <i>Development Land Equalisation Agreement</i> with this North site contributing its proportionate share.¹</p>		

Please note that these figures:

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

Justification for Infrastructure Provision/Development Contributions Requested

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

¹ Proportionate HWRC land contributions from this application will then be required through a Development Equalisation Agreement to fund the provision within Highsted Park South.

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

Education

The County Council is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

This proposal has been assessed in accordance with the County Council's Development Contributions Guide methodology of assessment. This assessment will start with the forecast capacity of existing schools, taking in to account existing cohorts, the pre-school aged population, historic migration patterns and new residential developments in the locality.

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

Primary Education

The indicative housing mix provided by the applicant has been used to calculate the Primary Education need created by the development. Based on this mix, which must be subject to regular review to confirm the final mix - the proposed North development is estimated to generate up to 295 primary pupils, equivalent to 1.4 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Kent County Council commissions new primary schools as either two or three forms of entry, and therefore 1No. 2 Form Entry Primary school will be required to support the (North) development.

It should be noted that some of the demand for the proposed Teynham West school is generated from the 21/503914 Sittingbourne South and East application. In line with DfE guidance, the County Council has named a contingency project (increased capacity in the Sittingbourne South or East Planning Groups) in the event that future needs change over the period of the proposed build out.

Applicants Proposal – Primary School Site/Indicative Locations/Phasing.

The site proposed for a 2FE primary school is 2.5Ha of land and this should be transferred in accordance with Kent County Council General Site Transfer terms (attached) at nil cost to

the County Council. The location of the site is to be agreed with the County Council as the Statutory Education Authority. It is noted that the built form height plan allows for the school to be up to 12m in height.

The County Council welcomes the additional information which demonstrates that the school would be provided within the first phase of development (phase 1 being from year 1-5 of the proposed development). The County Council would like to further understand the phasing for delivery and access to the proposed school site. Anticipated completion of school build, with full contributions for the primary school delivery/opening to meet demand arising from Highsted North, is requested upon 350 occupations. The delivery trigger must be subject to appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and pupil demand, to ensure sufficient capacity and an appropriate delivery point to meet demand.

The Masterplan: North (Drawing Number 2952-210C) shows the primary school location to the north of the spine road.

Greater detail of the proposed primary school site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information 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 County Council's suitability assessments, it will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the Authority would be able to confirm it is agreeable.

It is expected that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also existing neighbourhoods in the locality. A suitable pedestrian crossing will be required to serve a safe link between the proposed local centre and the school.

In a scenario in which the school land were not required it is recommended that the County Council, alongside the applicant and Planning Authority agree a contingency use for the land to be of benefit to the local community. In such a scenario the County Council would need to provide confirmation, by notice, that the land is not required for a new school.

Nursery and Pre-School Provision

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst the County Council is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private/voluntary/independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has

been high. By the time the development is becoming occupied it is likely that 30 hours free childcare will be available to all, increasing levels of demand. The County Council supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds)) and will work with the Applicant to advise on the appropriate method of delivery.

Special Education Needs and Disabilities Provision

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

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

Mitigation of Need

This proposal gives rise to additional pupils with EHCPs requiring extra support through specialist provision. All SEND infrastructure in Kent is currently at capacity.

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

Secondary School Provision

The indicative housing mix provided by the applicant has been used to calculate the Secondary Education need created by the development. Based on this mix –which must be subject to regular review to reflect the final mix– the proposed North development is estimated to generate up to 211 secondary pupils, equivalent to 1.4 Forms of Entry (FE). This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 3A. Financial contributions towards construction will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

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

This application is largely dependent on the approval of 21/503914, which provides land for Secondary infrastructure. However, in acknowledgement of the uncertainty of that application, which is separate to this application, the request will require flexibility to be able to provide appropriate increased capacity. This would be either through new infrastructure within application 21/503914 and/or increased capacity in the Sittingbourne non-selective and/or Sittingbourne and Sheppey selective planning groups.

Secondary School Site

In a scenario in which both applications are approved, the County Council will require transfer of a new secondary school site of 10ha within the Highsted Park (South) development on a suitable site (location to be agreed by the Local Education Authority) in accordance with the attached Kent County Council's General Site Transfer Terms and at nil cost to the County Council.

Should this application proceed in isolation of Highsted Park (South), the County Council may require Education Land costs for an alternative site.

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

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

Provision of Education Places

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

The County Council will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its [Commissioning Plan for Education Provision 2023-27](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

Community Learning and Skills

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

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

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

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

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

Library, Registrations and Archives Service

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

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

An evaluation of the impact of this development is shown in Appendix 3B. The appendix demonstrates; the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

The County Council is expecting to continue to deliver its library service for this area at the existing Faversham library. This library was fully refurbished in 2018 and is currently co-locating with the Good Day Programme.

Adult Social Care

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

Appendix 3C provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon the County Council to provide Adult Social Care services. The appendix demonstrates; the demand generated by the application, the projects serving

the development and proportionate cost requested to mitigate the impact arising from this development. Table 1 also identifies the mitigating projects serving the development.

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

Potential provision of care homes/extra care

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

Supported Living Accommodation

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

Waste

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Appendix 3D provides detail of the current shortfall in

the provision of this service, the demand generated by the application and also explains the statutory duty upon the County Council.

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

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

Household Waste and Recycling Centre (HWRC) - The applicant will need to provide information on the proposed mitigating solution if this application goes ahead without that of the Highsted Park, South of Sittingbourne application, as the applicants' proposed HWRC mitigation relies upon that application's approval.

If Highsted Park (North and South) proceeds concurrently, a new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council, additionally to the identified financial contributions in Table 1. Proportionate HWRC land contributions from this application will then be required through a Development Equalisation Agreement to fund the provision within Highsted Park South.

Implementation

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

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

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

Appendix 3A - Education Need Assessment / Education Land Assessment

KCC developer contribution assessment for Primary Education

District:	Swale	Non-applicable units:	146
Site:	Land To The West Of Teynham London Road Teynham Kent	Houses:	1038
Plan ref:	SW/21/503906	Flats:	67
Date:	13/03/2024	Total units:	1250

Current and forecast pupils on roll for schools within		Sittingbourne East planning group										
DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
2055	Lansdowne Primary School	394	409	396	394	384	375	365	366	357	360	361
2126	Sunny Bank Primary School	178	174	183	177	178	173	173	175	171	172	172
2233	Lynsted and Norton Primary School	71	83	73	75	73	73	63	66	64	64	65
2254	Canterbury Road Primary School	207	208	209	208	206	202	202	200	196	197	198
2435	South Avenue Primary School	406	414	400	393	385	378	369	372	364	366	368
3117	Teynham Parochial CE Primary School	200	198	197	193	189	187	182	184	180	181	182
3328	Bapchild and Tonge CE Primary School	208	210	215	215	215	214	213	211	206	208	209
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		1,664	1,696	1,674	1,656	1,629	1,601	1,567	1,574	1,537	1,548	1,553
Required capacity to maintain 2% surplus capacity		1,638	1,731	1,708	1,629	1,663	1,633	1,599	1,606	1,568	1,580	1,585

Current and forecast capacity for schools within		Sittingbourne East planning group										
DfE no.	School	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
2055	Lansdowne Primary School	420	420	420	420	420	420	420	420	420	420	420
2126	Sunny Bank Primary School	315	315	315	300	285	270	255	240	225	210	210
2233	Lynsted and Norton Primary School	140	105	105	105	105	105	105	105	105	105	105
2254	Canterbury Road Primary School	210	210	210	210	210	210	210	210	210	210	210
2435	South Avenue Primary School	420	420	420	420	420	420	420	420	420	420	420
3117	Teynham Parochial CE Primary School	210	210	210	210	240	270	300	330	360	390	420
3328	Bapchild and Tonge CE Primary School	210	210	210	210	210	210	210	210	210	210	210
Current and forecast capacity (1)		1,925	1,890	1,890	1,875	1,890	1,905	1,920	1,935	1,950	1,965	1,995

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

Expected pupil yield from new developments within		Sittingbourne East planning group		
Planning reference	Development	Houses	Flats	Primary product
SW/22/505558	67 High Street/1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	10	1
SW/22/503880	The Granary Berkeley House Lynsted Lane Lynsted Sittingbourne Kent ME9 0RL	3	3	0
SW/23/503467	Pembury Court Pembury Street South Of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN	50	0	14
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502834	Land West Of Church Road Bapchild Tonge Kent	251	75	76
SW/22/500601	Radfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/21/506012	15-29 Station Street Sittingbourne ME10 3DN	0	3	0
SW/21/505296	Land To The North Of Lower Road Teynham Kent ME9 9EQ	23	0	6
SW/21/503609	Land To The East Of Lynsted Lane Lynsted Kent ME9 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/20/503225	Land East Of Crown Quay Lane Sittingbourne Kent ME10 2ST (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/19/501893	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4BJ (S106)	0	24	0
SW/18/506460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HJ	24	0	7
SW/16/507689	Land between Froggall Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		934	197	164
This development		1,038	67	295

Assessment summary												
Detail	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	
Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	227	159	182	186	227	272	321	329	382	385	410	
Expected pupil yield from new developments	164	164	164	164	164	164	164	164	164	164	164	
Surplus / (deficit) capacity including the expected pupil yield from new developments	63	-5	18	21	63	108	156	164	217	221	246	
Expected pupil yield from this development	295	295	295	295	295	295	295	295	295	295	295	
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-232	-300	-278	-274	-232	-188	-139	-131	-78	-74	-49	
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	232	295	278	274	232	188	139	131	78	74	49	

Background notes:

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

Expected pupil product from new developments within the planning area

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

Education Build and Land Contributions

Appendix 1a

Site Name	Land West of Teynham
Reference No.	21/503906
District	Swale

	Houses	Flats	Total
Unit Numbers	1036	68	1104

Primary Education			
		Per house	Per flat
Primary pupil generation rate		0.28	0.07
New Primary Pupils generated from this development			295
New Primary School build contribution			
	per Pupil	per House	per Flat
New Build Rate	£25,289.80	£7,081.20	£1,770.30
Contribution requested towards New Primary School Build			£7,456,503.60

Secondary Education			
		Per house	Per flat
Secondary pupil generation rate		0.20	0.05
New Secondary Pupils generated from this development			211
New Secondary School build contribution			
	per Pupil	per House	per Flat
New Build Rate	£27,935.95	£5,587.19	£1,396.80
Contribution requested towards New Secondary School Build			£5,883,311.24
New Secondary School site contribution			
Residential Land Price per acre for Swale			£688,093
	Pupils	Hectares	Acres
6FE Secondary School	900	8.00	19.768
	per Pupil	per House	per Flat
Land Rate	£15,113.58	£3,022.72	£755.68
Total = Secondary School Site area x Residential Land Value x (Number of pupils generated by			
Contribution requested towards New Secondary School Site			£3,182,924.16
Total Secondary Education Build and Land contribution			£9,066,235.40

Special Education Needs			
		Per house	Per flat
SEN pupil generation rate		0.0110	0.0027
New SEN Pupils generated from this development			12
New Special Educational Needs build contribution			
	per Pupil	per House	per Flat
New Build/Expansion Rate	£50,893.35	£559.83	£139.96
Contribution requested towards New SEN School Build			£589,501.16

Notes

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

Appendix 3B - Communities' Assessment

**Communities Assessment Report
Appendix 2**

**KCC Communities
Development Contributions Assessment**

Site Name	Land West of Teynham
Reference No.	21/503906
District	Swale
Assessment Date	30/05/2024
Development Size	1,250
Non-Applicable Dwellings (under 56sqm GIA)	146

COMMUNITY LEARNING & SKILLS (CLS)

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 **55 clients**

Contributions requested from this development	£34.21 per dwelling
<i>1250 dwellings from this proposal</i>	£42,762.50

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

INTEGRATED CHILDREN'S SERVICES - YOUTH / EARLY YEARS SERVICE

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 **152 clients**

Contributions requested from this development	£74.05 per dwelling
<i>1104 dwellings from this proposal</i>	£81,751.20

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

LIBRARIES, REGISTRATIONS AND ARCHIVES (LRA)

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**

Target: National Library Standard bookstock items per 1,000 population (upper threshold) **1,532**

New borrowers from this development **318 borrowers**

Contributions requested from this development	£62.63 per dwelling
<i>1250 dwellings from this proposal</i>	£78,287.50

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

Net contributions requested for KCC Communities' Services **£202,801.20**

Appendix 3C – Social Care

**ADULT SOCIAL CARE ASSESSMENT REPORT
APPENDIX 3**

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

Site Name	Land West of Teynham
Reference No.	21/503906
District	Swale
Assessment Date	30/05/2024
Development Size	1,250

Net Social Care contributions requested:	
Social Care and Health Services	£226,100.00
<p>Kent County Council has statutory* responsibilities to provide a variety of services that support and care for vulnerable adults and children across the county. In line with KCC Strategy**, the modern focus of the service is to support adults to live fulfilling and independent lives at home and in their community, ensuring adults receive the right care when they need it, and are also supported to get back on their feet when it is appropriate and possible.</p> <p>To support this strategy, KCC seeks contributions toward five priority areas and may choose to apply the whole contribution to a single project, or proportionately between projects. The contribution from the development is the same. The result is greater certainty of project delivery and benefit to new communities to put together workable projects for the community and clients.</p> <p>Proposed new housing development results in additional demands upon Adult Social Care (ASC) services from increases in older people and also adults with Learning, Physical and/or Mental Health Disabilities. Available care capacity is fully allocated already, with no spare capacity to meet additional demand arising from this and other new developments.</p> <p>The focus of Adult Social Care is currently on the five areas listed below, offering a preventative approach to providing care. Based on an agreed set of service delivery models, an annual assessment of the impact of new and existing housing on these services has been carried out. Only the financial impacts relating to new housing are displayed.</p> <p><i>Note: Client numbers are rounded for display purposes, but costs are based on unrounded figures</i></p> <p>* Under the Care Act 2014, Mental Health Act 1993 and Mental Capacity Act 2005</p> <p>**https://www.kent.gov.uk/about-the-council/strategies-and-policies/adult-social-care-policies/your-life-your-wellbeing</p>	

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

New Social Care Clients generated from this development:	116 client(s)
<i>Forecast SC clients generated from ALL proposed developments within the District (up</i>	1,511 clients
Contributions requested from this development	£226,100.00
Contributions requested towards Specialist Housing in the District, Assistive Technology & Home Adaptation Equipment, Adapting Community Facilities, Sensory Facilities and Changing Places in the vicinity of the development.	

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

Appendix 3D - Waste Assessment

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

Site Name	Land West of Teynham
Reference No.	24/500081
District/Area	Swale
Assessment Date	30/05/2024
Development Size	1,250

Net Waste contributions requested:

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

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

A. WASTE TRANSFER STATIONS (WTS)

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	1,250
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	70,100
3. Overall cost of increasing capacity for 70,100 new dwellings by 2030	£9,963,313.00
4. Cost per new dwelling (£9,963,313 / 70,100 new homes)	£142.13
Contributions requested from this development	£142.13 per dwelling
1,250 dwellings from this proposal	£177,662.50
Contributions requested towards Sittingbourne WTS	

B. HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)

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

1. Applicable dwellings from this development	1,250
2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*	64,200
3. Overall cost of increasing capacity for 64,200 new dwellings by 2030	£3,338,400.00
4. Cost per new dwelling (£3,338,400 / 64,200 new homes)	£52.00
Contributions requested from this development	£52.00 per dwelling
1,250 dwellings from this proposal	£65,000.00
Contributions requested towards closer of Sheerness, Sittingbourne or Faversham HWRC	

Net Contributions requested for KCC Waste from this development	£242,662.50
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*** Estimated**

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

4. Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, provided the following response direct to the Borough Council on 25 March 2024 (Appendix 4A).

Appendix 4A – Minerals and Waste Planning Authority Response

From: Bryan Geake - GT GC
Sent: Monday, March 25, 2024 4:06 PM
To: Planning Support <planningsupport@midkent.gov.uk>
Subject: FW: Application No: 21/503906/EIOUT Location: Land To The West Of Teynham London Road Teynham Kent

Dear Matt Duigan

Application No: 21/503906/EIOUT Location: Land To The West Of Teynham London Road Teynham Kent Proposal: Northern Site -Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works

Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application's revised details. Please ignore my response of the 13th March 2024. It was compiled without a full understanding of the available data.

The recently submitted revised information has not addressed whether the potentially threatened with sterilisation safeguarded mineral deposits can be the subject of an exemption to the presumption to safeguard as set out in Policy DM 7. It suggests leaving the understanding of potential viability (or not) of the minerals to further testing, presumably as a condition of a planning permission. Given the scale of the development proposed the scope for a prior extraction of usable mineral deposits is arguably significant, in the absence of any objective testing data to the contrary. The matter is one that is a in principle material consideration to the question of whether the proposed development is acceptable. And should not be left as a conditional matter of a planning permission. Therefore, the County Council's holding objection as explained in the County Council's response of the 1st March 2023 (application ref:21/503914/EIOUT) remains unaltered at this time.

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, provided the following response direct to the Borough Council on 28 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/2021/086016
Date: 28 March 2024

Application No: 21/503906/EIOUT

Location: Land To The West Of Teynham London Road Teynham Kent

Proposal: Northern Site -Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorpace (Use Class E(g)). 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 a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority 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 are 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 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 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: *Land To The West Of Teynham 21/503906/EIOUT*

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

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

We have reviewed the ecological information and have the following comments to make on this application:

We advise that as the updated ecological information was limited to bat emergence surveys and 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.

The submitted ecological surveys have detailed the following:

- Area of traditional orchard within the site – considered to be a priority habitat.
- Small areas of deciduous and wet woodland – considered to be a priority habitat
- 5 ponds within or adjacent to site boundary – one pond assessed to meet the criteria of a priority habitat
- Hedgerows throughout the site – considered to be a priority habitat.
- Stream running through the site – considered to be a priority habitat

- At least 6 species of foraging bats within the site.
- 1 Building and 8 trees assessed as having roosting bat potential within and adjacent to the site – no emergence surveys have been carried out.
- At least 4 active badger setts recorded (including 1 main sett).
- Evidence of badgers foraging/commuting within the site.
- Evidence of otter recorded on site
- Potential for brown hares and hedgehogs to be present.
- 47 species recorded during the breeding bird survey – of which 27 species were breeding or probably breeding and four were possibly breeding within the site
- At least 58 species recorded during the wintering bird surveys
- Amphibians likely to be present – no evidence that GCN are present.
- Common lizard and grass snake present

Bat emergence surveys were carried out in 2023 and no evidence of roosting bats were recorded within the site. We have reviewed the bat emergence survey and are satisfied that the survey information is sufficient to determine this application. If planning permission is granted the survey information will have to be reviewed as part of any detailed mitigation strategy.

An overarching ecological mitigation strategy has been submitted and indicates that the mitigation will be located within the Country Park and areas of green infrastructure of the site. We highlight that an updated site visit has not been carried out and the mitigation strategy has been based on the existing survey which (other than the updated wintering bird survey) is based on survey data which is at least 4 years old. We acknowledge that for the majority of species theoretically there is capacity within the site to support the species recorded within the site. However the ecological mitigation areas will also be used for other purposes such as the provision of SUDS and recreation – in particular we are concerned with the impact of recreation. The report has tried to address this point by detailing that dedicated amenity areas and informal recreation zones will be created to try and manage visitors/residents to the site. This information is not available on a parameter plan but instead provided on the BNG habitat plan within the ecological mitigation strategy. We highlight that there is a need to ensure that this division of types of habitats is achievable and we would expect it to be depicted in a parameter plan.

The wintering and breeding bird surveys have confirmed that farmland birds have been recorded on site and some birds (including skylark) cannot be retained on site due to their requirement for open spaces. No information has been provided detailing how farmland birds can be mitigated as part of the proposed development.

The indicative plan suggests that the hedgerows/open spaces will be created / enhanced throughout the built area of the site to achieve connectivity through the site. The submitted information has detailed that the hedgerows within the north and south of the site will be at least 10-30m in width and the greenspace corridor along the relief road would be at least 30-40m in width. We are supportive of this but there is a need to ensure that this can be implemented and be retained long term.

A Biodiversity Net Gain metric has been submitted and it has detailed that the proposal has an anticipated net gain of up to 30% for habitats. The metric has been produced on a precautionary bases with the majority of habitats proposed to achieve moderate condition and appropriate habitats have been proposed (e.g. natural/species rich grassland only proposed for the country park). In theory we are satisfied that this is achievable but as detailed above there is a need to ensure that any habitat creation will not be negatively impacted by recreational pressure and can be established as intended. If the habitat creation can not be implemented as intended the condition of the habitats established on site will not reach the estimated condition and therefore the anticipated biodiversity net gain will not be achieved.

Habitat Regulations Assessment

We have reviewed the HRA and we advise that subject to the transport consultees being satisfied that the highways assessment is accurate we are satisfied no further information is required.

The report has concluded that the proposed could have a negative impact due to recreational pressure and habitat degradation due to air quality.

Recreational Pressure

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

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

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

Air Quality:

The report has concluded the following:

- No measurable change to NOx, 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; Aspect Ecology; October 2022

Ecological Mitigation Strategy; Aspect Ecology; October 2022

8. Culture

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](#).