



Growth and Communities

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BY EMAIL ONLY

16 October 2024

Dear Matt,

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

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

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

The County Council draws reference within this response to the prior responses submitted in respect of this application, and the related land at south and east of Sittingbourne application. These responses were provided on 30 November 2021, 1 March 2023 and 27 June 2024 and are available on the planning application portal for reference.

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

- The changes made to the application do not reflect prior comments or advice from the County Council, as Local Highway Authority, responsible for the Public Rights of Way (PRoW) Network. The amendments / additional information do not alter the significant adverse impact on the recorded PRoW Network. The severity of the impact on the PRoW Network remains underestimated and the application does not reflect the importance of the local access network and the quality of the user experience and amenity value. The combined effects of all the aspects of the development, such as the severance and loss of the physical resource, timescale of overall development, construction traffic, noise, visual intrusion, and loss of tranquillity, all contribute to the quality of the user experience inherent in a recreational walk or ride.

The County Council has reviewed the revised application material and has extensive commentary to raise in response to the proposal, set out clearly below, in a subject chapter format. The County Council is disappointed to note that matters raised during earlier consultations have not been addressed and the County Council maintains its objection in respect of PRoW to the scheme on the grounds as set out above.

The County Council will continue to work closely with the Borough Council to help ensure the delivery of new housing and infrastructure in response to local needs – delivering sustainable growth for the Swale Borough.

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

Yours sincerely,



Stephanie Holt-Castle
Director – Growth and Communities

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1. Highways and Transportation

Introduction

From the start of considering the initial submission of the planning application in August 2021, County Council Highways and Transportation has provided a series of technical responses spanning the numerous rounds of consultation requests that followed the submission of amended plans or additional information. These will provide the reference to detailed technical commentary on the matters raised on behalf of the Local Highway Authority thus far.

To respond to the last comments made by the County Council in the consultation response dated 26th June 2024, the applicant has now submitted a Technical Note (document reference 16-023-034 Rev A). This has been prepared to specifically address the points of clarification requested by County Council Highways and Transportation. In particular, it is appreciated that the document should be read in conjunction with the Transport Assessment (TA) dated February 2024, as the Technical Note provides clarification on the queries raised regarding the traffic modelling that was contained in the earlier document.

The County Council would therefore comment as follows on the suite of information that has been received:

Technical Note 16-023-034 Rev A

The Technical Note (TN) submitted by the applicant has provided responses to each of the “Actions” that were raised in the highway section of the County Council comments dated 26th June 2024. A review of the TN has enabled the County Council to confirm the following matters:

Highway Network Modelling

The information provided has enabled the County Council to confirm that that models used to assign traffic across the highway network have been constructed appropriately. The SWECO base model used to build the future year scenarios had been agreed by the County Council and Swale Borough Council previously as part of the emerging Local Plan evidence, and the tables in the TN that summarise a number of quoted link flows from the base model have now corrected the errors that were noted in the TA.

Further details have also been provided to confirm that the future year scenarios with and without the development each include the requested committed developments with agreed traffic movements, the correct list of committed highway infrastructure, and the development has been appropriately connected to the highway network.

Accident Data Analysis

Sufficient detailed information of the accident data from the latest 5 year period available has now been provided and an assessment carried out to identify any clusters or patterns that would warrant mitigation. Of the relevant 32 junctions within the study area, only a small number of these were identified as showing any clusters that might suggest an issue with the existing highway layout;

- *A2 St Michaels Road/ Crown Quay Lane* – A pattern of collisions involving right turn movements from west to south has been identified. However, the traffic modelling predicts a reduction in the demand for these right turn movements during the AM peak as a result of the development proposals, and no change in the PM peak. The development would not therefore be considered to worsen the existing situation.
- *A249/B2006 Bobbing Interchange* – 17 collisions were recorded at this junction but the locations were evenly spread around the interchange. The only pattern apparent were rear end shunts, which is a common occurrence with roundabouts and can be attributed to poor driver attention rather than a design problem. This level of occurrence can be expected at a major junction of this size and activity, and not likely to be exacerbated by modest increases in traffic flows. Additionally, it is noted that this junction is due to be upgraded as part of the North West Sittingbourne development, reference 18/502190.
- *A2/A251 Ashford Road* – A pattern of rear end shunts was recorded at this junction, generally associated with slowing down or waiting for the right turn movement onto Ashford Road. However, the junction has been upgraded and now operates under traffic signals since the collisions were recorded, so no safety improvements would be required.
- *A2/M2 Brenley Corner* - A cluster of incidents were identified around the A2 East entry to M2 West. It is noted that the development is only expected to give rise to around a 1% increase in that movement, but in any case National Highways is the Highway Authority with jurisdiction over the junction and would comment on this aspect.

It is therefore agreed that the collision data does not identify any pattern of incidents that would require addressing by the development.

Junction Modelling Selection

In addition to the junctions modelled in the TA for capacity assessment, the TN now includes modelling of a further 5 junctions that the County Council had identified, together with additional modelling of 2 previously assessed junctions that have improvement schemes committed. It is considered that the appropriate scope of junctions have been assessed.

A2 East Corridor Capacity Assessment

The Development model had identified an increase in traffic flows along the A2 corridor east of the proposed development. In Teynham, where the traffic flow increases would be greatest, eastbound one-way flows in the AM peak hour would equate to approximately 4 additional vehicles per minute, and 5 additional vehicles per minute westbound in the PM

peak hour. Through Ospringe, one-way flows would increase by 2 vehicles per minute eastbound in the AM peak hour, and 3 vehicles per minute westbound in the PM peak hour.

At the request of the County Council, an analysis of link flow capacity has been provided in the TN to compare the Development model flows against the indicative capacities specified in the now withdrawn publication TA79/99 of the Design Manual for Roads and Bridges, and is considered a suitable methodology in the absence of any replacement guidance.

Figures 5.5 and 5.9 in the TN set out the road types classification and typical capacities expected for those depending on a number of factors such as speed limits, road widths, on-street parking and other features influencing the road environment, and figure 5.10 compares the one-way flow capacity against the development model flows for each section of the A2. The values in the table do show that none of the one-way directional flow capacities expect to be exceeded with the development in place. In combination with the accident data, it can therefore be accepted that the A2 corridor links would be suitable for the increased traffic flows expected along them, notwithstanding the separate assessment of junction capacity modelling discussed below.

Transport Impact Assessment

In light of the information provided in the TN that has now enabled the County Council to agree the traffic flows from the strategic model outputs, the relevant details in the January 2024 TA can be reviewed together with the additional junction capacity assessments provided to consider the Traffic Impact Appraisal.

Traffic Link Flows

Comparing the 2038 Reference Case model with the 2038 Development model, it is apparent that completion of the Sittingbourne Northern Relief Road (SNRR) results in a general reduction in traffic around Sittingbourne town centre and the majority of its road network, including the A2 West through to Key Street. Of note are significant reductions on the Lower Road/Tonge Road corridor, the A2 through Bapchild, and routes north of the A2 in Sittingbourne to the commercial areas at Eurolink. The exception is Swale Way, the A249 between Bobbing and Grovehurst, and in the AM peak hour, Swanstree Avenue to Woodstock Road. As mentioned already, the A2 East corridor to Faversham also experiences an increase.

Local Junction Testing

The suite of junction capacity assessment outputs gathered from the TN and TA now available indicates a number of junctions within the study area between the A249 and A2/M2 junction at Brenley corner that will be exceeding capacity in the Reference Case Model. These being:

- A2 – St Michaels Road/Crown Quay Lane
- A249/B2006 (Bobbing)
- A2 – The Mall/A251 Ashford Road
- M2 junction 7 (Brenley Corner)
- Woodstock Road/Bell Road/Gore Court Road
- Castle Road/Dolphin Road

- Church Road/Tonge Road/Murston Road

The Development Model junction assessments show that the introduction of proposed infrastructure (SNRR) with associated development brings a noticeable improvement in the performance of those within Sittingbourne town centre and Eurolink/Murston, but a further deterioration of those at A2/A251, M2 J7 and Woodstock Road. It is noted that no additional junctions beyond those already listed in the Reference Case without development will exceed capacity with the development.

With the development, the junctions at Castle Road/Dolphin Road and Church Road/Tonge Road would no longer exceed capacity. While it is acknowledged that the A2/Crown Quay Lane junction is still expected to exceed capacity in the development scenario, it does show a 20% improvement in performance on its worst arm.

Capacity on The Woodstock Road/Bell Road junction would deteriorate by a further 16% on its Woodstock Road arm in the AM peak hour and 3% in the PM peak hour. The applicant has proposed a junction improvement scheme at this location, which is shown to bring the performance back within capacity.

There is a mix of deterioration and improvement shown on different arms of the A249 Bobbing junction and M2 J7, and the TA has assessed this as a net improvement. As both these junctions fall under the jurisdiction of National Highways, that Highway Authority will need to confirm acceptance of the impact at those locations and any mitigation required.

The junction of A2/A251 Ashford Road does show a further 10% exceedance in its capacity as a result of the development and reassignment of traffic. It is accepted that once the capacity has been reached in the modelling, outputs are less reliable as further increases rise exponentially and the results exaggerated. Additionally, it is noted that any increase in queues on the A2 would lead to congestion rather than a severe impact on highway safety from an additional 2 to 3 vehicles a minute arriving at the junction across all its arms. On balance, it is considered that some worsening of the junction performance is mitigated by the benefits to the operation of the network in Sittingbourne and significant reduction in traffic flows on some routes.

Junction Testing (Proposed Infrastructure)

In addition to a select number of proposed new junctions tested in the TA, at the request of the County Council, the TN has now included those serving the retained section of the A2 through the centre of Bapchild.

Model outputs for the junctions associated with the SNRR and associated link roads indicated that they will all operate within capacity in the 2038 Development scenario, with the exception of the western exit from the retained length of the existing A2 through Bapchild, onto the realigned A2. This arm of the junction is predicted to exceed desirable capacity, though still within theoretical capacity by 8%. It is not considered necessary to improve this as the road is intended for local traffic only, and improving the left turn onto the A2 could encourage non-local westbound traffic to bypass the new A2 alignment.

Mitigation Proposals

Woodstock Road/ Bell Road/Gore Court Road/Park Avenue

Based on the above assessment, this junction has been identified in the TA as requiring mitigation due to worsening of congestion with the development in the 2038 future year model scenarios. The proposed scheme presented in the TN and drawing 16-023-1007B would increase the capacity of the junction so that it is no longer exceeded, providing far greater improvement than the planning requirement of nil detriment. As with the previous revision of the improvement scheme, the County Council does have some concerns with the current outline design as the footways would be narrowed at the junction radius and road markings are unclear. However, it is appreciated that the drawing is in outline concept and it is considered that through the detailed design and technical approval process, minor changes can be made to address these concerns or an alternative improvement scheme proposed. Approval of a scheme at this location can be secured as a planning condition as set out in the concluding commentary within this chapter.

Highway Infrastructure Proposals

Sittingbourne Northern Relief Road

Noting that the application has been made in a three-tiered format, only the principle of the development is to be considered at this first tier of the planning process, as access will remain a reserved matter for tier two determination. The information provided for the SNRR and access strategy are therefore illustrative only, and provide a level of detail to give an indication of where the roads, junctions and site access locations may be located, and allow assessment of the high level road network. Further detailed assessment of local roads in the immediate vicinity would be undertaken at Tier 2 stage.

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

The proposed completion of the SNRR linking Swale Way to the A2 would utilise the provisions made in Bearing Fruits, the current Swale Local Plan, which has sought to safeguard land for the purpose of allowing it to be delivered. It is noted that the recent appeal decision for Land west of Church Road (planning reference 22/502834/EIOUT) has obliged the developer to safeguard a corridor within their site to accommodate the SNRR, and the proposed alignment through that site would be facilitated by that obligation.

It is considered that the Tier 1 outline concept design of the infrastructure proposals is acceptable, subject to detailed design at Tier 2, noting that it closely aligns with the preferred route published by the County Council in 2009. Hempstead Lane would be severed across the new road and a turning head provided on the southern section to facilitate access from the A2 only. The principle of this is agreed, together with the SNRR being provided as a 7.3m wide road with additional off-carriageway cycle provision to connect to existing cycleways westwards on the A2, the Stones Farm development and Swale Way. This provision will need to accord with the guidance contained within LTN1/20, and will also be determined at Tier 2.

The delivery of the route would be expected through a combination of Section 38 agreements over the applicants land control and Section 278 agreements where connections or changes to the existing public highway would be made.

Pre-application discussions with Network Rail on the principle of a bridge as demonstrated were conducted. During those discussions it was acknowledged that the bridge would provide for strategic highway as identified by the County Council's Local Transport Plan 4. As is appropriate for this stage of an application, no agreement for the structure has been secured between the applicant, Network Rail and the Highway Authority. A condition requiring an agreement for the structure, ownership and maintenance must be secured prior to any commencement of the development were it to be approved.

Sustainable Transport Strategy

Due to the Three-Tiered nature of the application, the sustainable transport measures cannot yet be fully fixed as these are expected to evolve during the progression of the development. Conditions will therefore need to be placed on any consent granted for this application, to seek detail for approval of the measures that are considered appropriate or available from emerging technologies at that time. The S106 agreement will also need the flexibility to secure the financial contributions associated with any measures that are subsequently approved or required once the cost plans are known nearer the time.

This could include the provision of new bus routes to pass through the development and link to Teynham, Sittingbourne and Great East Hall as suggested within the strategy document. As mentioned above, these can only be determined at the second tier when the access points and detail of the infrastructure have been approved. However, it is understood that bus service contributions have been proposed that can be secured at the current (first tier) planning stage. This would amount to a contribution of £2.2M in order to provide pump priming of services to the application site for a period of 5 years.

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

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

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

Conclusion

In providing the comments made above, on balance and in recognition of the severity tests within the NPPF, provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

1. Approval and implementation of Sustainable Transport Strategy with review mechanism over the phased progression of the development.
2. Provision of off-site highway works to improve highway capacity at the junction of Woodstock Road/ Bell Road/ Park Avenue/ Gore Court Road.
3. Submission of details to improve walking and cycling routes between the development and Teynham Station, and thereafter provided prior to the occupation of any dwelling
4. Contribution of £2.2M towards the provision of bus services.
5. Completion of the Sittingbourne Northern Relief Road and associated accommodation works as shown indicatively on drawings 16-023/6000D Revision C, 16-023/6010D Revision C, 16-023/6011D Revision B, 16-023/6012B Revision C and 16-023/6015 prior to occupation, via highway adoption agreements with the Highway Authority,
6. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site.
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
 - (c) Timing of deliveries, avoiding network and school peaks where possible.
 - (d) Provision of wheel washing facilities.
 - (e) Measures to prevent the discharge of surface water onto the highway.
 - (f) Temporary traffic management / signage.
7. Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.
8. No dwelling shall be occupied until vehicle parking and turning space has been provided, surfaced and drained to the satisfaction of the Local Planning Authority in accordance with the adopted parking standards, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted

Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

9. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
10. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
11. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
12. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
13. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Informatives:

- Planning permission does not convey any approval for construction of the required vehicular crossings, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and

Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- The applicants should be advised that separate prior approval will be required from Kent County Council for the proposed retaining/basement wall adjacent to the highway and in this regard they should contact structurestechnicalapproval@kent.gov.uk
- Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Public Transportation

The County Council has had discussions with the applicant's consultants Charles and Associates regarding this site, particularly concerning their proposed Sustainable Transport Strategy.

Firstly, it is the County Council's understanding that earlier versions of the Transport Strategy did not reference the principle of financial contributions for buses. This position would be unacceptable and would likely result in no bus provision for the site. The scale of the development may mean that arguably in the longer term there may be potential for a commercial bus operation (i.e. after full build out), this would certainly not be the case from initial construction. Subsequent discussions with Charles and Associates have identified that a financial contribution would be essential and it is the County Council's understanding that this principle is now accepted by the developer.

In terms of contribution levels and principles:

Land to the west of Teynham, London Road, Teynham (Northern Site):

- The County Council would seek to secure contributions from this site to either provide a new dedicated service, linking with Sittingbourne Town Centre, or to link with an existing service from the Great Easthall estate.
- The County Council anticipates that based on current costs, a minimum contribution of £2.2M will be required from the applicant to deliver such a service. This is based on the provision of 2 vehicles at an annual cost of £220k per annum for a 5 year period.

- Within any resultant S106 agreement, the contribution would need to be kept generalised in order to allow either of the new or extension service options to be delivered.
- A detailed plan would need to be agreed with the developer with respect to trigger points to ensure the service was delivered at an appropriate stage of build out.
- The County Council will also require the developer to produce a detailed delivery plan to support the delivery of the bus service with respect to supporting infrastructure and subsequently deliver / fund the delivery plan as part of their build out in order to facilitate the bus service. This will need to be agreed with the County Council (and Swale Borough Council with respect to bus shelters) as part of any S106 and include provision for bus stop locations (temporary and permanent), any temporary turning areas due to phasing or works, bus standing facilities / driver facilities and any supporting infrastructure linked to any bus only links.

2. Public Rights of Way

The County Council, in respect of Public Rights of Way and Access maintains its position of objection to the application due to issues set out within this response in consideration of the [Rights of Way Improvement Plan](#) (2018-2028) (ROWIP) and NPPF (December 2023) paragraph 104: “. *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*”.

The County Council has been actively engaged in responding to consultations from the Local Planning Authority in respect of its role and responsibilities around Public Rights of Way and Access and the ROWIP.

The application has now been amended again; however, the further documentation provided does not resolve prior comments and advice from the County Council in respect of PRow and the amendments/additional information do not alter the significant adverse impact on the recorded PRow Network and the significant loss of open countryside, both of which provide numerous benefits to the Borough. As such, the underlying concerns raised in previous County Council responses remain outstanding.

The County Council continues to raise concern that the “detailed PRow improvement strategy” will not be delivered until Tier 2 of the proposal.

Planning Statement Addendum

In respect of part 4.56 Table 4.1, there is no inclusion of Policy CP2 Promoting Sustainable Transport i.e.. walking and cycling priority and there appears to be no mention of Active Travel / PRow walking and cycling opportunities. This is not acceptable to the County Council.

Connections Plan North

The labelling of PRow is again disappointing with the routes not referenced as per previous responses request/advice from the County Council. The same colouring appears to be used for Bridleways and “Potential cycle and footpath link to Teynham Station” – this is confusing and requires clarity. The County Council also questions whether reference to “Footpath” means a new recorded PRow route? Overall, the County Council considers that the plan does not provide the necessary clarity. Furthermore, Restricted Byway ZR195 and Public Footpath ZR260 appear to be omitted.

PRow Network North

Public Footpath ZR260 appears to be omitted and the plan does not provide the clarity required. The PRow Network should be shown together with the Primary and Secondary

Access roads for understanding of the proposals impact, and therefore potential conflict between routes. Again, similar colours are used for different routes, causing confusion.

Phasing Plan North

There is no real information regarding when PROW routes improvement will be phased – the County Council would draw attention to previous commentary in respect of PROW routes affect for each phase. Phasing will have a huge impact on the area connectivity due to construction impact over a long time period and the severe disruption to the Network cannot be underestimated in terms of the effect on both the physical resource from temporary or permanent closures and diversions, as well as the quality of user experience and amenity value. For example, PROW ZR195 (part) would appear to be affected by Phase 1 but also part within Phase 2.

Greenspace Structuring Plan

The County Council requires that PROW routes should be included in this plan to ensure the routes are within green space

Response Note to KCC Highways and PROW

The County Council notes that there appears to be no response from the applicant here in respect of the PROW commentary raised, apart from the applicant confirming that detail will be provided at later Tiers. The County Council draws attention to previous commentary in respect of this detail being provided at later stages, as it does not offer the County Council, as Local Highway Authority for PROWs, the opportunity to fully assess the impact of the development. Therefore the impact of the development is not clear.

3. Development Investment

The County Council below includes the same requests and detail as provided on 26 June 2024 with a number of amendments as identified.

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

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

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

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

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

Request Summary

Table 1

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

				capacity in the Sittingbourne South or East Planning Groups
Primary Land	Please be advised that this has been amended from the June 2024 response - 1 No. 2FE Primary School site of 2.05ha at 'nil' cost to the County Council (transferred as per the County Council's General Site Transfer Requirements)			
Special Education	£559.83	£139.96	£589,501.16*	Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough
Secondary Education	£5,587.19	£1,396.80	£5,883,311.24*	Towards new secondary school to serve this development in the Sittingbourne non selective and Sittingbourne and Sheppey Selective Planning Group
Secondary Land**	New Secondary School site to be provided at no cost to the County Council, on the South site. Where Highsted Park (North & South) proceed together, the North Site to contribute proportionately as below:			
	£3022.72	£755.68	£3,182,924.16*	Towards land acquisition costs of a new secondary school in the Sittingbourne area

Please Note:

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

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

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

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

Table 1 continued:

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

Buildings specification:	signage. *A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc. *Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org) * Provision of secure storage for Kent County Council's Social Care, Community Learning, Libraries and Youth Service.		
Waste	£194.13	£242,662.50	Towards a new Household Waste Recycling Centre on the new Highsted Park South site and/or HWRC at Sittingbourne and/or increases in capacity at Faversham HWRC. And increases in capacity at the Waste Transfer Station in Sittingbourne.
Waste Site	A new Household Waste Recycling Centre site of 1.5ha is required at no cost to the County Council - transferred as per the County Council's General Transfer Terms should the combined Highsted Park North and South proceed. This request is amended from the June 2024 response. If the new HWRC is ultimately located on the South site and the North site is in separate ownership, any land cost should be dealt with by the applicants through a <i>Development Land Equalisation Agreement</i> with this North site contributing its proportionate share. ¹		

Please note that these figures:

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

Justification for Infrastructure Provision/Development Contributions Requested

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

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

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

Education

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

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

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

Primary Education

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

Kent County Council commissions new primary schools as either two or three forms of entry, and therefore a 2 Form Entry Primary school will be required to support the (North) development.

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

In respect of the August 2024 submission, It should also be noted that the latest submitted planning statement references a 3FE primary school which is assumed to be an error. The County Council is seeking a 2FE school for this application.

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

The site proposed for a 2FE primary school is 2.05Ha of land and this should be transferred in accordance with Kent County Council General Site Transfer terms (attached) at nil cost to the County Council. The location of the site is to be agreed with the County Council as the Statutory Education Authority. It is noted that the built form height plan allows for the school to be up to 12m in height.

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

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

Greater detail of the proposed primary school site is required to ensure it meets County Council General Site Transfer requirements, including any detailed study information on: ground conditions, noise, air pollution, topography, public rights of way, flooding etc; and confirmation the land transfer will be freehold without any encumbrances at no cost to the County Council. To assist with the County Council's suitability assessments, it will require 4 corner point co-ordinates of the site so that a thorough site inspection can take place before the Authority would be able to confirm it is agreeable.

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

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

Nursery and Pre-School Provision

The County Council has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst the County Council is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private/voluntary/independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early

education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has been high. By the time the development is becoming occupied it is likely that 30 hours free childcare will be available to all, increasing levels of demand. The County Council supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds)) and will work with the Applicant to advise on the appropriate method of delivery.

Special Education Needs and Disabilities Provision

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

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

Mitigation of Need

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

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

Secondary School Provision

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

Secondary Education demand is exceeding provision in the Borough, with a significant forecast deficit in places, as extant permissions are built out, and the County Council awaits the build of the new school in North West Sittingbourne to meet the current Local Plan.

Consequently, this application will place additional pressures on education provision and therefore new Secondary school infrastructure is required.

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

Secondary School Site

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

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

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

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

Provision of Education Places

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

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

Community Learning and Skills

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

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

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

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

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

Library, Registrations and Archives Service

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

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

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

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

Adult Social Care

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

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

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

Potential provision of care homes/extra care

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

Supported Living Accommodation

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

Waste

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

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

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

Household Waste and Recycling Centre (HWRC) - This section has been amended since the June 2024 submission.

Should this application proceed independently a mitigating contribution is required for the expansion works of HWRC provision-

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

Implementation

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

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

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

Appendix 3A - Education Need Assessment / Education Land Assessment

KCC developer contribution assessment for Primary Education

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

Current and forecast pupils on roll for schools within		Sittingbourne East planning group										
DfE no.	School	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
2055	Lansdowne Primary School	394	409	396	394	384	375	365	366	357	360	361
2126	Sunny Bank Primary School	178	174	183	177	178	173	173	175	171	172	172
2233	Lynsted and Norton Primary School	71	83	73	75	73	73	63	66	64	64	65
2254	Canterbury Road Primary School	207	208	209	208	206	202	202	200	196	197	198
2435	South Avenue Primary School	406	414	400	393	385	378	369	372	364	366	368
3117	Teynham Parochial CE Primary School	200	198	197	193	189	187	182	184	180	181	182
3328	Bapchild and Tonge CE Primary School	208	210	215	215	215	214	213	211	206	208	209
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		1,664	1,696	1,674	1,656	1,629	1,601	1,567	1,574	1,537	1,548	1,553
Required capacity to maintain 2% surplus capacity		1,698	1,731	1,708	1,689	1,663	1,633	1,599	1,606	1,568	1,580	1,585

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

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

Expected pupil yield from new developments within		Sittingbourne East planning group		
Planning reference	Development	Houses	Flats	Primary product
SW/22/505558	87 High Street/1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	10	1
SW/22/503880	The Granary Berkeley House Lynsted Lane Lynsted Sittingbourne Kent ME9 0RL	3	3	1
SW/23/503467	Pembury Court Pembury Street South Of Fountain Street Sittingbourne Kent ME10 3EF	0	19	1
SW/22/502963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN	50	0	14
SW/22/503418	Land At Tonge Road Sittingbourne Kent ME9 9BD (S106)	16	0	0
SW/22/502834	Land West Of Church Road Bapchild Tonge Kent	251	75	76
SW/22/500601	Radfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/21/506812	12-29 Sutton Street Sittingbourne ME10 3QU	0	3	0
SW/21/505296	Land To The North Of Lower Road Teynham Kent ME9 9EQ	23	0	6
SW/21/503609	Land To The East Of Lynsted Lane Lynsted Kent ME9 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/20/503325	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3ST (S106)	47	30	0
SW/20/503223	Barrow Green Farm Frenchs Row Barrow Green Teynham ME9 9EH	9	0	3
SW/20/501631	Moore's Yard Crown Quay Lane Sittingbourne ME10 3JN	12	15	4
SW/19/505036	Land South Of London Road Teynham Kent ME9 9QJ	70	10	20
SW/19/501693	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4BJ (S106)	0	24	0
SW/18/506460	Former Conyer Brickworks Conyer Quay Conyer Kent ME9 9HJ	24	0	7
SW/16/507689	Land between Froggal Lane and Orchard View, Lower Road, Teynham (S106)	300	0	0
New developments within the planning area		934	197	164
This development		1,038	67	295

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

Background notes:

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

Expected pupil product from new developments within the planning area

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

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

District:	Swale	Non-applicable units:	146
Site:	Land To The West Of Trynham London Road Trynham Kent	Houses:	1038
Plan ref:	SW/21/00396	Flats:	67
Date:	13/03/2024	Total units:	1100

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups											
		2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	
4002	Sittingbourne School	1,402	1,418	1,464	1,440	1,467	1,487	1,514	1,519	1,521	1,536	1,520	1,468
4080	Highfeld Grammar School	720	688	714	714	701	724	718	715	715	707	685	665
4527	Borden Grammar School	664	686	701	722	714	724	721	720	722	715	694	694
5414	Fulston Manor School	1,060	1,057	1,067	1,083	1,083	1,081	1,073	1,065	1,066	1,046	1,015	1,015
5434	Westlands School	1,595	1,591	1,661	1,690	1,691	1,747	1,748	1,746	1,749	1,753	1,716	1,716
Current and forecast pupils on roll (including the expected pupil yield from consented developments up to 31st March 2021)		5,441	5,440	5,606	5,706	5,676	5,791	5,776	5,768	5,788	5,741	5,579	
Required capacity to maintain 2% surplus capacity		5,552	5,551	5,721	5,822	5,792	5,910	5,894	5,886	5,907	5,858	5,692	

DfE no.	School	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups											
		2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)	
4002	Sittingbourne School	1,410	1,440	1,440	1,440	1,410	1,380	1,350	1,350	1,350	1,350	1,350	1,350
4080	Highfeld Grammar School	750	690	690	690	690	720	750	750	750	750	750	750
4527	Borden Grammar School	660	690	720	750	750	750	750	750	750	750	750	750
5414	Fulston Manor School	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
5434	Westlands School	1,590	1,560	1,545	1,500	1,435	1,440	1,425	1,425	1,425	1,425	1,425	1,425
Current and forecast capacity (1)		5,460	5,430	5,445	5,430	5,385	5,340	5,325	5,325	5,325	5,325	5,325	5,325

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

Planning reference	Details	Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups		
		Houses	Flats	Secondary product
SW/24/000552	152 Staplehurst Road Sittingbourne Kent ME10 1XS	20	24	5
SW/24/000438	The Former Pumping Station St. Michaels Road Sittingbourne Kent ME10 1AX	0	10	1
SW/24/000081	Land Off Sheppey Way Twade Kent ME9 9VY	6	0	2
SW/23/005678	Land West Of Warden Road Eastchurch Kent ME12 4EJ	27	3	1
SW/23/005558	87 High Street /1-5 Central Avenue Sittingbourne Kent ME10 4AU	0	18	1
SW/23/003655	Land To The Rear Of Eden Meadow Newington Kent ME9 7JH	25	0	5
SW/23/003880	The Granary Berkeley House Lynsted Lane Lynsted Sittingbourne Kent ME9 0RL	3	3	1
SW/23/003407	Pembury Court Pembury Street South Of Fountain Street Sittingbourne Kent ME10 3EP	0	19	1
SW/23/001238	Cockleshell Walk Car Park St Michaels Road Sittingbourne Kent ME10 1AU	0	35	2
SW/23/003028	Land On Northern Side Of Canterbury Lane Upchurch Kent ME9 8QW	36	4	7
SW/23/002365	77-83 & 87 London Road, Sittingbourne, Kent ME10 1NL	0	15	1
SW/22/005646	Land At Upton Court Farm Borden Kent	290	0	58
SW/22/005299	Nil Desperandum Well Road Rushenden Queensborough Kent	22	0	1
SW/22/005076	Land At Pleasant Farm Bramblefield Lane West Of Twade Bypass Sittingbourne Kent	42	0	8
SW/22/004274	Land At Sittingbourne Mill Mill Way Sittingbourne Kent ME10 2GZ	0	107	5
SW/22/003654	Land To The West Of Bobbing Sittingbourne Kent ME9 8QL	1,750	500	375
SW/22/003418	Land At Tonge Road Sittingbourne Kent ME9 9SD (S106)	16	0	0
SW/22/002963	Brewers Yard St Michaels Road Sittingbourne Kent ME10 3DN (S106)	50	0	0
SW/22/002881	Land South Of 9 Rushenden Road Queensborough Kent ME11 5HB	13	12	1
SW/22/002834	Land West Of Church Road Bapchild Tonge Kent (S106)	251	75	0
SW/22/002086	Land To The East Of Sockles Road Minter-on-sea Kent	650	0	33
SW/22/001005	77 High Street Newington Sittingbourne Kent ME9 7JD	10	0	2
SW/22/000611	Radfield House And Farm London Road Tonge Sittingbourne Kent (S106)	10	0	0
SW/22/000275	Land South Of London Road Newington Kent (S106)	135	0	0
SW/21/006812	25-29 Station Street Sittingbourne ME10 3DU	0	3	0
SW/21/006014	The Lane 2 Church Street Millers Regis Sittingbourne Kent	0	12	0
SW/21/005722	128 High Street Newington Sittingbourne Kent ME9 7JH (S106)	39	0	0
SW/21/005544	Hillyfield Hearts Delight Borden Sittingbourne Kent ME9 8HX	5	0	1
SW/21/005498	Land Off Swanstream Avenue Sittingbourne Kent ME10 4LU (S106)	135	0	0
SW/21/005096	Land To The North Of Lower Road Trynham Kent ME9 9EQ	23	0	5
SW/21/005041	Land North Of Lower Road Eastchurch Kent	59	0	3
SW/21/003124	Land To The North Of Elm Avenue Minter-on-sea Sheerness Kent ME12 3RZ (S106)	44	0	0
SW/21/003069	Land To The East Of Lynsted Lane Lynsted Kent ME9 9QN (S106)	10	0	0
SW/21/003038	Northern Phase Regent Quay Crown Quay Lane Sittingbourne Kent (S106)	84	10	0
SW/21/001839	Land Off Otterham Quay Lane Upchurch Kent (S106)	74	0	0
SW/21/001740	Land At Hill Farm Rock Lane Keycol Hill Bobbing (S106)	30	0	0
SW/21/001334	Land At Fox Hill And School Lane Rockhill Kent ME9 8LE	95	0	0
SW/21/001204	Old House At Home 158-162 High Street Sheerness Kent ME12 1UX	0	4	0
SW/20/006107	Reed's Orchard, Passonage Chase, Minter-on-Sea ME12 33X	9	0	0
SW/20/006066	Storage Land At Lomas Road Bapchild Kent ME9 9BD	14	0	3
SW/20/005921	Land At Highfield Road Minter-on-sea Kent (S106)	19	0	0
SW/20/005196	Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1LF (S106)	5	17	0
SW/20/005059	Willow Trees 111 High Street Newington Sittingbourne Kent (S106)	10	0	0
SW/20/003832	Duke of Clarence Trading Estate, High St, Blue Town, Sheerness Kent ME12 1RQ	5	6	0
SW/20/003665	88-100 West Street Sittingbourne Kent ME10 1AS	0	10	1
SW/20/003636	The Former Kersley Arms Public House The Square Sittingbourne Kent ME10 2SL	0	13	1
SW/20/003325	Land East Of Crown Quay Lane Sittingbourne Kent ME10 3GT (S106)	47	30	0
SW/20/003322	Barrow Green Farm French Row Barrow Green Trynham ME9 9EH	9	0	2
SW/20/002715	Bobbing Car Beavers Sheppey Way Bobbing Sittingbourne Kent (S106)	12	4	0
SW/20/001631	Moone's Yard Crown Quay Lane Sittingbourne ME10 13N	12	15	3
SW/20/001208	240-248 High Street Sheerness Kent (S106)	0	9	0
SW/19/005036	Land South Of London Road Trynham Kent ME9 9QJ	70	10	15
SW/19/004811	Land At Sockles Farm, Minter on Sea, Sheerness Kent ME12 3RU (S106)	12	0	0
SW/19/004736	The Ivy Leaf, Members Club, High Street Sheerness ME12 1NL (S106)	9	6	0
SW/19/003974	Land East Of Twade Kent ME9 8T7 (S106)	395	48	0
SW/19/001945	2, Bramblefield Lane, East Of Twade Pass (S106)	22	0	0
SW/19/001693	Land To The Rear Of 45-55 High Street Sittingbourne Kent ME10 4B1 (S106)	0	24	0
SW/19/001332	Land At Pond Farm Growhurst Road Sittingbourne Kent ME9 8RD (S106)	72	0	0
SW/19/000677	Halfway Egg Farm Featherbed Lane Sittingbourne ME9 8RA (S106)	19	0	0
SW/19/000460	Former Crown Buildings Crown Quay Corner Kent ME9 9HJ	24	0	5
SW/18/006328	Land Lytng To The South Of Durlin Walk Twade Kent ME9 8TE (S106)	20	0	0
SW/18/005157	Land North Of Sandelring Way Twade Kent ME9 8T7	60	5	12
SW/18/002372	Land At Great Growhurst Farm Growhurst Road Sittingbourne (S106)	110	0	0
SW/18/002190	Land North Of Quinton Road Sittingbourne	913	201	193
SW/17/005711	Land at Wives Lane, Borden (S106)	675	0	0
SW/16/002689	Land between Fratral Lane and Orchard View, Lower Road, Trynham (S106)	300	0	0
New developments within the planning area		6,798	1,252	771
This development		1,038	67	211

Details	2022-23 (A)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2028-29 (F)	2029-30 (F)	2030-31 (F)	2031-32 (F)	2032-33 (F)
	Surplus / (deficit) capacity (including the expected pupil yield from consented developments up to 31st March 2021)	-92	-121	-276	-392	-437	-570	-569	-561	-582	-533
Expected pupil yield from new developments	771	771	771	771	771	771	771	771	771	771	771
Surplus / (deficit) capacity including the expected pupil yield from new developments	-863	-892	-1,047	-1,163	-1,208	-1,341	-1,340	-1,332	-1,353	-1,304	-1,139
Expected pupil yield from this development	211	211	211	211	211	211	211	211	211	211	211
Surplus / (deficit) capacity including the expected pupil yield from new developments and this development	-1,074	-1,103	-1,258	-1,374	-1,419	-1,552	-1,551	-1,543	-1,564	-1,515	-1,349
Expected pupil yield from this development that on current plans for school provision cannot be accommodated	211	211	211	211	211	211	211	211	211	211	211

Background notes:

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

Expected pupil product from new developments within the planning area

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

Education Build and Land Contributions

Appendix 1a

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

Unit Numbers	Houses	Flats	Total
	1036	68	1104

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

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

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

Notes

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

Appendix 3B - Communities' Assessment

**Communities Assessment Report
Appendix 2**

**KCC Communities
Development Contributions Assessment**

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

COMMUNITY LEARNING & SKILLS (CLS)	
<p>CLS generally operates from one central location per district owned by KCC. Many practical courses require resources (e.g., potter's wheels, kilns, stained glassing making equipment) that are not portable. Locations per district can be found on the Kent Adult Education website.</p> <p>Provision of general courses (such as modern foreign languages, Maths, English and ESOL) are at capacity within these main centres. To increase capacity, CSL operates an outreach programme to bring services directly to communities: new developments will be required to contribute towards the cost of equipment and resources.</p> <p>There is currently physical capacity within the hubs for specialist courses. However, increased enrolments will place additional demands on IT, learning technology and other equipment. New developments will also be expected to contribute towards this.</p>	
New adult participation from this development	55 clients
Contributions requested from this development	£34.21 per dwelling
<i>1250 dwellings from this proposal</i>	£42,762.50
Contributions requested towards additional equipment and resources for Adult Education Centres and outreach provision serving the development.	

INTEGRATED CHILDREN'S SERVICES - YOUTH / EARLY YEARS SERVICE	
<p>Historically, services for children and young people have been delivered from a static facility, typically youth/children's centres. The level of growth planned for each district will see the majority of development taking place away from the main hubs. To increase capacity and provide for the additional need created by new developments, much of the Youth/Early Years Services will be provided via Mobile/Outreach work. This will enable services to be delivered in the vicinity of new developments, increasing the likelihood of children, young people and parent/carers engaging with them. Therefore, all development will be expected to make contributions towards equipment and resources to enable Mobile/Outreach work to take place.</p> <p>For expansions and enhancements of youth hubs and children's centres, including provision of specialist equipment and resources to increase capacity, this will be determined on a case-by-case basis, to mitigate the impact of growth. District provision will be assessed, and contributions requested where there is a project.</p>	
New Youth/Early Years Service participation from this development	152 clients
Contributions requested from this development	£74.05 per dwelling
<i>1104 dwellings from this proposal</i>	£81,751.20
Contributions requested towards additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development.	

LIBRARIES, REGISTRATIONS AND ARCHIVES (LRA)	
<p>New developments will place additional demands for both physical (hard copy) books and digital (eBooks/E-Audio) stock. The National Library Standard upper threshold recommends 1532 items per 1000 population; where stock levels are below this, contributions will be sought.</p> <p>Library capacity has historically been based on Museums, Libraries and Archives (MLA) recommendation of 30sqm per 1,000 population – KCC does not currently meet this standard and has no plans to increase the number of libraries in Kent (the possible exception is the provision of new space on strategic sites/garden communities). In most cases, it will seek instead to meet the need generated by new growth by:</p> <ul style="list-style-type: none"> • Improving existing facilities • Refits and reconfiguration • Intensification of use 	
Library bookstock items per 1,000 population for Swale (Dec 2022)	669
<i>Target: National Library Standard bookstock items per 1,000 population (upper threshold)</i>	1,532
New borrowers from this development	318 borrowers
Contributions requested from this development	£62.63 per dwelling
<i>1250 dwellings from this proposal</i>	£78,287.50
Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development, including Sittingbourne.	

Net contributions requested for KCC Communities' Services	£202,801.20
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Appendix 3C – Social Care

**ADULT SOCIAL CARE ASSESSMENT REPORT
APPENDIX 3**

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

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

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

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

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

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

Appendix 3D - Waste Assessment

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

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

Net Waste contributions requested:

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

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

A. WASTE TRANSFER STATIONS (WTS)

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 30 August 2024 (Appendix 4A).

Appendix 4A – Minerals and Waste Planning Authority Response

From: Bryan.Geake@kent.gov.uk

To: Planning Support

Subject: Application No: 21/503906/EIOUT Location: Land To The West Of Teynham
London Road Teynham Kent Proposal: Northern Site

Date: 30 August 2024 14:18:18

Dear Matt Duigan

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

RE: 21/503906/EIOUT Mineral Safeguarding

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

I will confine my comments to the submitted mineral assessment (MA) that addresses the land-won mineral safeguarding issues that is dated 3 July 2024. The MA identifies in area B.A, an area of c.5 ha as containing 2-3m of potential brickearth (c.100-150,000m³), this would equate to some 160-240,000 tonnes of brickearth. This would be in the order of magnitude likely to be viable for prior extraction. The MA states that any prior extraction would be difficult in terms of its effect on flood risk and is to be retained as open space. There are also PROW on the east and west boundary, stand-offs to these would, it is asserted, would further impact on Brickearth extraction viability.

For area B.B the MA does not quantify the potential Brickearth reserves, but identifies them as being 'in the majority', though comes to the view that due to a high incidence of archaeological remains and states:

"The parameter plans for the outline application have excluded the majority of the area in the southern central part of the Site where the possible Neolithic causewayed enclosure was identified through the geophysical survey. This will preserve the monument in situ beneath an area of greenspace where no development works will take place This area may require some very limited archaeological evaluation to determine the exact nature of this feature and to aid the production of a management

plan. The need for and scope of any evaluation would be in discussion with the archaeological advisor at KCC. A small section of the enclosure lies within the route of the road and this will be subject to assessment and mitigation.”

The overall conclusion of the MA is that any prior extraction would be ‘unlikely’ in the next ‘10 years’ based on the following:

- There is adequate supply of brick earth to the works at Smeed Dean from the operator’s permitted reserves of c. 900kt (in 2019) at Paradise Farm*
- Recent downward trends in clay sales and construction have depressed the demand for brick clay*
- Prior extraction and stockpiling of clay for use when further clay reserves may be required is not feasible at the brickworks due to space constraints, and would require further land either within or outside of the proposed scheme*

Firstly, the extant reserves at the permitted Paradise Farm site are an irrelevant consideration, to consider them is to undermine the whole mineral safeguarding system. Extraction at Paradise Farm could be halted to allow a prior extraction event at the application site, and depending on storage space availability, the potential reserves of usable Brickearth could be extracted in far less time than ‘10- years’. The reduction in sales is not supported by any evidence and is therefore not considered as relevant. The lack of stockpiling space may or may not be an issue, no third-party evidence has been presented. Moreover, the presence of archaeological features in either area B.A and B.B in themselves may not be an incompatible with a prior extraction of the Brickearth. As a full evaluation is required, if there were to be no significant archaeological issues that require the land to be ‘undisturbed’ a mineral prior extraction event could occur. Therefore, it can be said that the matter is not fully resolved.

The matter of phasing and timescales may be a relevant consideration given that it is very likely that a substantial prior extraction event would cause some delays over otherwise what would happen. This is a far more reasonable matter to argue, and may satisfy exemption criterion 3 of Policy DM 7, that states:

3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or

There may well be both a worst case and a least delaying set of issues in any prior extraction scenario, dependant on such matters as archaeological evaluation and its consequences, available stockpile space to accommodate Brickearth materials and rates of Stock Brick production at the Smeed Dean works (Wienerberger Ltd). These are all relatively unknown, apparently, though even a least worst case scenario may cause delays to the proposed development that may be sufficient to argue that exemption criterion 3 can be invoked, and thus the proposed development be exempt from further mineral safeguarding consideration.

I hope the above is helpful in your determination of the proposal the County Council regards the ability of the determining authority to invoke the above exemption as possible, but not proven, if you would wish to discuss any of the above further, please do not hesitate to contact me.

Yours sincerely

Bryan Geake BSc Hons (Geol), MSc, MRTPI

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

5. Sustainable Urban Drainage Systems

The County Council, as Lead Local Flood Authority, provided the following response direct to the Borough Council on 20 September 2024 (Appendix 5A).

Appendix 5A – Lead Local Flood Authority Response

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

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX
Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: SBC/2021/086016
Date: 20 September 2024

Application No: 21/503906/EIOUT

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

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

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority understand that further documentation has been submitted to Swale Borough Council since our previous consultation response (09/04/2024). Two drawings of relevance to the LLFA's statutory requirements are the Conceptual Surface Water Management Plan sheet 7 (18-023-7307- A) and the Mitigation of Dry Valleys Management Plan Sheet 7 (16-023-7315). These drawings are understood to be derived around the potential flow path north of the A2 retaining the existing route.

With no further information relating to potential management of flow paths and surface water drainage being submitted in this round of consultation, our previous comments are still considered relevant. These have been expanded and are included below:

1. The LLFA note from the Surface Water Drainage Strategy reports that there are two main surface water flow paths that pass through the site and have been labelled as dry valleys. This is under the assumption that these features are only active upon the soil being saturated, resulting in runoff. Most of the development parcels are not intended to utilise these features as a discharge destination and will instead have on 2 site soakaways or

basins. Where possible, discharge into the dry valley features should be avoided. With certain parcels proposed to discharge into these features, it is understood that this will be limited to greenfield runoff rates. While discharging at greenfield rates is the accepted approach, there is uncertainty as to the applicable rate to use. The Executive Summary indicates that the 1 in 100 year calculated rate of 3.1 l/s/ha will be used. The LLFA request for either the 1 year or Qbar rates (0.82 or 0.96 l/s/ha) to be applied instead. This is to ensure that the runoff rates are not increased over the existing situation.

2. As mentioned within point 1, any discharges into these "dry valley" features should be limited in discharge rate. Additionally, consideration of volume is needed because of higher runoff occurring from developed areas and the subsequent drain down/ discharge period being extended.

3. It is understood that the extent and route of the existing dry valleys (surface water flood risk) would have to be changed to facilitate the development. This is proposed to be undertaken as part of further detailed design work or at future reserved matters stages. The LLFA views it as crucial that these features do not become "squeezed," which would result in an increase in the velocity of flows, particularly through parcels R08 to R11 and SP01. The flow paths should be managed within wide open-space areas that encourage dissipation and infiltration. Further work will be needed upon better understanding of the parcel layouts. This may also require modelling to demonstrate functionality.

4. The proposed rerouting of the northern portion of the western flow path would occur outside of the redline boundary. It is our view that the redline boundary is extended to cover these proposed works along the flow path.

5. With residential housing proposed for numerous parcels, the LLFA would view that urban creep should be applied, particularly for those areas discharging into the Dry Valley features. The factor or level to apply would depend upon the density of housing proposed. The LLFA would accept that this be applied by parcel as opposed to the entire site.

6. With the extensive nature of the development area proposed, further ground investigations will be required that demonstrate the suitability of infiltration within each parcel. These investigations should also consider the depth of groundwater to ensure an appropriate separation distance is maintained.

7. With the Surface Water Drainage Strategy (May 2021) and application being submitted back in 2021, the old climate change allowance of 40% was applied to the 100 year return period storm scenarios. As per the latest guidance that was published in 2022, an higher allowance of 45% is required for the Upper end allowance.

In view of no additional drainage details being provided and no confirmation that our points raised above have been accepted, we will include these requirements to be provided as part of planning conditions. Therefore, should the Local Planning Authority be minded to grant planning permission, the LLFA would request the following conditions be attached:

Condition:

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) that shall demonstrate:

- appropriate assessment and integration of the identified surface water flow paths through the development.

- the surface water drainage scheme proposed includes infiltration where possible. Any offsite discharges are limited to no greater than the Qbar (2.3 year return) greenfield rate for the respective draining areas, whilst also considering the potential impacts from volume.
- adequate attenuation for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm within the proposed development layout.

Reason: To ensure the development does not increase flood risk and that it is served by satisfactory arrangements for the disposal of surface water within the layout proposed.

Condition:

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

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

- that any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site.
- the surface water drainage scheme as set out includes infiltration where possible. Any offsite discharges should be no greater than the Qbar (2.3 year return) greenfield rate for the respective draining areas, whilst also considering the potential impacts from volume.
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

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

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

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

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

Yours faithfully,
Daniel Hoare
Senior Flood Risk Officer
Flood and Water Management

6. Heritage Conservation

The County Council, provided the following response direct to the Borough Council 23 September 2024 (Appendix 6A)

Appendix 5A – Heritage Conservation Response



Mr Matt Duigan
Principal Planning Consultant
Place Services
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Heritage Conservation

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Tel: 03000 413415
Simon.mason@kent.gov.uk

23rd September 2024

BY EMAIL

Dear Matt

21/503906/EIOUT – Highsted Park Northern Site, Land to the West of Teynham, London Road, Teynham, Kent. Outline Planning Application for the phased development of up to 97.94 hectares

Thank you for your consultation with respect to the updated and amended information concerning the above major application on land to the West of Teynham and principally north of the A2, London Road. I note that development proposals have also been updated and amended for the Highsted Park Southern Site application (21/503914/EIOUT) for which I will send separate advice.

I provided a previous response to you on the 19th July 2024 which the latest submission has responded to.

July 2024 Recommendations

In my July 2024 response I advised that the:

“lack of evaluation has limited a detailed understanding of the application site’s archaeological and geoarchaeological potential. The nature, dating and significance of the archaeological assets has not been established and therefore the potential impacts of development on the significance of archaeological assets is not understood in sufficient detail.”

And that

“Based on our present understanding from the desk-based assessment and survey work we consider that the application site includes archaeological remains or the potential for yet undiscovered archaeological remains and geoarchaeological deposits that are of high significance. In particular, the potential causewayed enclosure hasn’t been evaluated sufficiently to understand its significance and could very well be of national or regional importance and merit consideration for preservation.”

The National Planning Policy Framework paragraphs 209, 207, 208 and footnote 72 were referenced and I advised that:

“It is our view that in its present form the application will result in partial loss of the potential causewayed enclosure and cause harm, likely substantial harm to a potential nationally important archaeological asset. We therefore object to the proposed development on the grounds of the harm it would cause to the potential causewayed enclosure and recommend that consent be refused in accordance with paragraph 208 of the NPPF. Should the archaeological asset be found to be of lesser importance the planning authority would need to consider the significance of the asset and weigh against the scale of harm caused by the development proposals and a balanced judgement reached.”

I then advised that the above objection could be overcome through the following adjustments and confirmations:

- *adjustment of the Primary Access Route to the west and northwest of the enclosure to ensure that it runs in lower ground west of the slope and its earthwork / cut and any other associated works would fall completely outside of the enclosure (with some buffer). Sections through the proposed road and the hill profile in the area should be provided to confirm that preservation of the enclosure can be achieved.*
- *Adjustment of the edge of the residential / employment parcels (within the field (parcel 4.6 in the geophysics) to achieve a 50m buffer between the enclosure and the residential / employment edge. All development earthworks should fall outside that buffer.*
- *Confirmation that the area of the proposed open space will be left unquarried.*
- *Confirmation that drainage features such as the proposed balancing pond will be removed from the proposals.*

I confirmed that should we be satisfied with adjustments that preserve the whole enclosure (and its internal area) with appropriate margins as a buffer then we are satisfied to leave remaining archaeological evaluation and mitigation to be dealt with in advance of the Tier 2 applications through agreed conditions.

The scope of several conditions that would be required was proposed.

August 2024 Submission

In response to my July 2024 advice the applicant has submitted:

- An Archaeology Response Note for Highsted Park North (Wessex Archaeology, undated).
- Amended Parameter Plans •
Amended Illustrative Masterplans

Referring to the adjustments and confirmations I requested to address my objection the response states (with reference to accompanying appendices) :

“1. The primary access route has been adjusted to preserve the geophysical anomalies in situ. This also maintains a 30m buffer from the geophysical anomalies in most places except where this had to be reduced to 20m to maintain a practical alignment of the road and maintain the junction with the A2 as proposed (Appendix 2). These buffers from the road will also include enough space for working areas/easements to be outside of the areas of the geophysical anomalies.

2. The parcels proposed for commercial and residential development on the north western and western side of the geophysical anomalies have also been reduced to allow a larger area of preservation for the potential archaeological remains. The revised parameters maintain a 30m buffer from the geophysical anomalies on the western and north western sides (Appendix 2).

3. The proposals do not include any quarrying within the area of proposed open space. This is confirmed in document 240703_North Area Response to KCC_BM v3 Issue (Appendix 3).

4. The balancing pond locations are indicative only. The detailed drainage strategy that will be required as a condition on the planning permission will not include any SUDS features in the open space.”

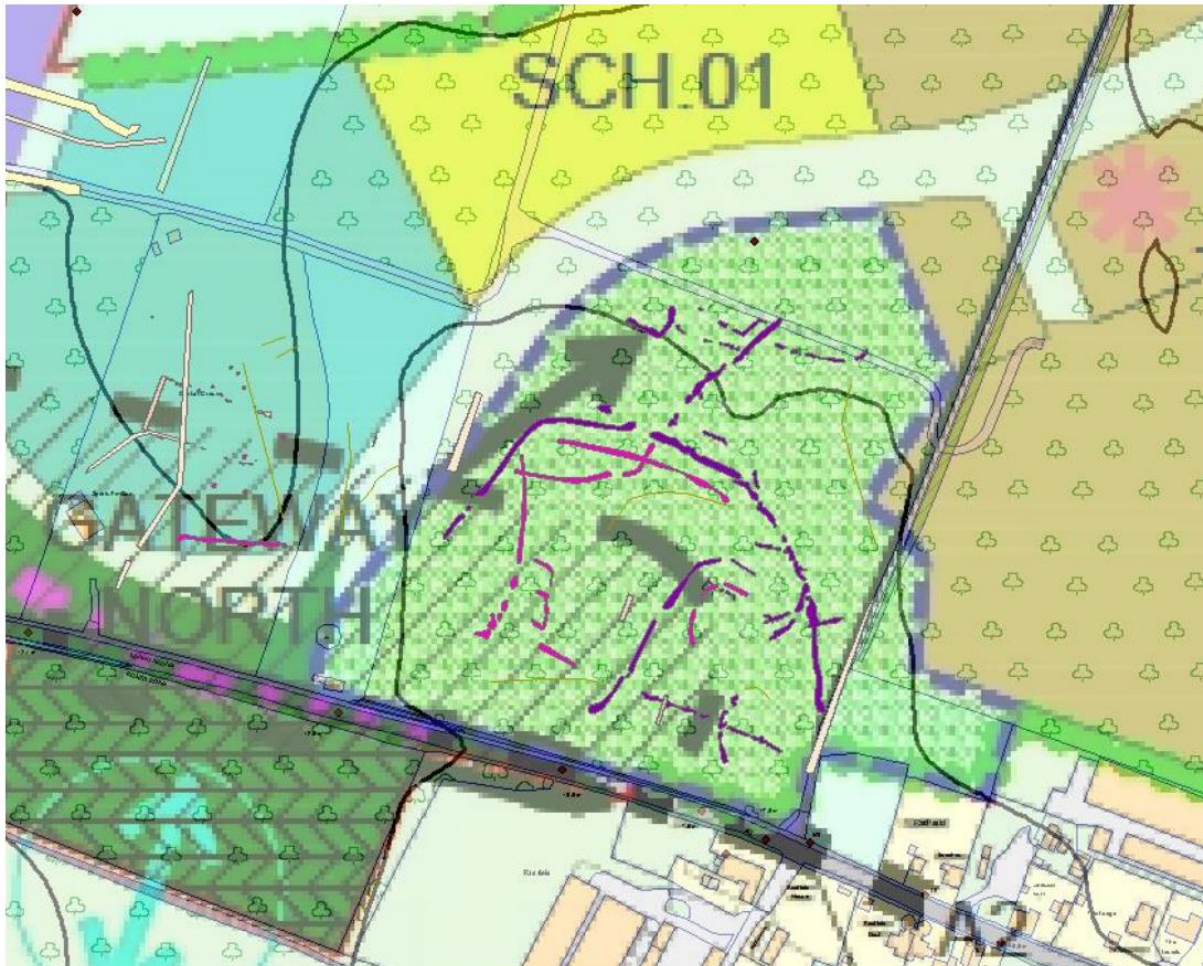
The response also details that:

“The revised parameters have maintained preservation in situ of the potential neolithic causewayed enclosure and possible associated features which extend beyond the enclosure area. In addition, a buffer of 30m has been maintained as a safeguard to allow for features which may exist and be associated with the enclosure, which are in areas that were unsuitable for geophysical survey or not detected through the survey. The exception is a small area of the alignment where the buffer had to be reduced to 20m from the proposed road alignment for practical reasons relating to the alignment of the road and the junction. On the north western and western sides a 30m buffer was able to be maintained allowing for preservation in situ of the enclosure and a 30m buffer for possible associated remains to exist outside of this. The adjustments made preserve the entire enclosure (and its internal area) and appropriate margins as a buffer.”

September 2024 Parameter Plan Amendment

Additionally in response to further discussions the applicant has submitted a further updated parameter plan (2952-412Q) that extends the depicted open space area to be preserved for archaeology towards the A2 boundary and outlines an area to be excluded from the deviation tolerance for the parameters to ensure that archaeology within the proposed open space will not be affected by deviations.

The following figure illustrates the geophysical survey results for the potential causewayed enclosure and associated features plotted on the amended parameters plan.



The features overlaid on to the current illustrative masterplan are also shown below.



Analysis & Recommendations

The revised submission (including the latest update to the Parameter Plan) has sought to address the impacts on the causewayed enclosure and my objection.

The Primary Access Route has been modified and moved further westward and north westward into the lower ground. The proposal does still cut across the raised ground in its north west but this is lower down the slope. While no section drawings have been provided the restrictions on any deviations in the parameter plan will safeguard the enclosure and most of the higher land as open space.

The residential / employment parcels to the east and north east have been pulled back to provide a greater buffer. Though not the 50m proposed the majority will fall within the lower land to the east and north. With the restriction on deviation of parameters ensuring that the remaining open space will not be encroached by works for the residential and employment parameters there is sufficient safeguarding of the archaeology in the open space area. The applicant has confirmed that they do not propose to quarry any of the open space area for brickearth given that the presence of the archaeology to be preserved in the area is a constraint and would also render extraction unviable.

The applicant has confirmed that there will be no SUDS features in the open space as part of their drainage strategy. I am satisfied therefore that the revised submission (including the September 2024 updating of the Parameter Plan has sufficiently addressed my concerns

with respect to the preservation of the area of the causewayed enclosure and **I am now able to withdraw my objection to the development.**

As advised in my July response we are satisfied to leave remaining archaeological evaluation and mitigation in this development area to be dealt with in advance of the Tier 2 applications through agreed conditions.

We advise that should the development be permitted then conditions are required that secure:

- An agreed Archaeological Framework that would need to be in place before the Tier 2 applications and should be site wide in its scope. It should include:
 - a Research Design,
 - Archaeological Model and Statement of Significance
 - an updated Strategy for Archaeological Assessment and Mitigation and that includes the overall coordination of the post excavation and reporting stages, o
 - Strategies for community archaeology & public engagement and heritage interpretation.
- Archaeological evaluation to inform Tier 2 applications. Archaeological evaluation should comprise geoarchaeological and Palaeolithic test pit works and trial trenching of the development impact areas and could include further geophysical survey of areas yet to be surveyed and electrical section of deposits of geoarchaeological significance.
- Archaeological mitigation including preservation in situ measures that may be embedded in the Tier 2 design.
- The safeguarding of the area of the potential causewayed enclosure including fencing during development works and agreement of any landscaping or groundworks within the safeguarded area. A clear plan of the safeguarded area should be agreed prior to consent and secured through the condition. Arrangements for the safeguarded area's ongoing management should be secured in a management plan.
- Community Archaeology & Public Engagement in each phase of development guided by the Archaeological Framework and the results of evaluation and mitigation.
- Heritage Interpretation in each phase of development guided by the Archaeological Framework and the results of evaluation and mitigation.
- Provision for archaeological archives.

I hope the above is helpful and am happy to discuss further including the wording of potential conditions in more detail.

Yours sincerely
Simon Mason

Principal Archaeological Officer

7. **Biodiversity**

The County Council, in respect of Biodiversity matters, provided the following commentary direct to the Borough Council on 20 September 2024 (Appendix 7A).

Appendix 7A – Biodiversity Response



ECOLOGICAL ADVICE SERVICE

TO: *Matt Duigan*

FROM: *Helen Forster*

DATE: *20 September 2024*

SUBJECT: *Land To The West Of Teynham 21/503906/EIOUT*

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

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

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

The submitted ecological surveys have detailed the following:

- Area of traditional orchard within the site – considered to be a priority habitat.
- Small areas of deciduous and wet woodland – considered to be a priority habitat
 - 5 ponds within or adjacent to site boundary – one pond assessed to meet the criteria of a priority habitat
- Hedgerows throughout the site – considered to be a priority habitat.
- Stream running through the site – considered to be a priority habitat
 - At least 6 species of foraging bats within the site.
- 1 Building and 8 trees assessed as having roosting bat potential within and adjacent to the site – no emergence surveys have been carried out.
- At least 4 active badger setts recorded (including 1 main set). • Evidence of badgers foraging/commuting within the site.

- Evidence of otter recorded on site
- Potential for brown hares and hedgehogs to be present.
 - 47 species recorded during the breeding bird survey – of which 27 species were breeding or probably breeding and four were possibly breeding within the site
- At least 58 species recorded during the wintering bird surveys
 - Amphibians likely to be present – no evidence that GCN are present.
 - Common lizard and grass snake present

Bat emergence surveys were carried out in 2023 and no evidence of roosting bats were recorded within the site. We have reviewed the bat emergence survey and are satisfied that the survey information is sufficient to determine this application.

We advise that we are satisfied that the proposal provides a good understanding of the ecological interest of the site.

An overarching ecological mitigation strategy has been submitted and indicates that the mitigation will be located within the Country Park and areas of green infrastructure of the site. An updated site visit has been carried out and it has detailed that the site has not significantly changed since the original surveys however there is additional scrub and grassland within the site. The ecological mitigation strategy has not been updated and therefore the submitted report is based on the original survey which (other than the updated wintering bird survey) is based on survey data which is at least 4 years old.

We accept that the principle of the mitigation is still valid however the mitigation strategy will have to be updated and informed by current species surveys if planning permission is granted. We highlight that areas where ecological mitigation will be implemented is also to be used for other purposes such as the provision of SUDS and recreation – in particular we are concerned with the impact of recreation. The report has tried to address this point by detailing that that dedicated amenity areas, informal recreation zones and minimal access zones will be created to try and manage visitors/residents to the site. This information is not available on a parameter plan but instead provided on the BNG habitat plan within the ecological mitigation strategy. We highlight that there is a need to ensure that this division of types of habitats is achievable and can be managed in the long term and we would expect it to be depicted in a parameter plan.

The wintering and breeding bird surveys have confirmed that farmland birds have been recorded on site and some birds (including skylark and turtle dove) cannot be retained on site due to their requirement for open spaces. The report has detailed that Tonge Country Park will be designed to specifically benefit farmland birds but due to the recreational pressure it is unlikely that birds that require open space and minimal disturbance will utilise the site for breeding – although we acknowledge it may be used for foraging. No information has been provided detailing how farmland birds which will not use the development site can be mitigated as part of the proposed development.

The indicative plan suggests that the hedgerows/open spaces will be created / enhanced throughout the built area of the site to achieve connectivity through the site. The submitted information has detailed that the hedgerows within the north and south of the site will be at least 10-30m in width and the greenspace corridor along the relief road would be at least 30-

40m in width. We are supportive of this but there is a need to ensure that this can be implemented and be retained long term.

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

Habitat Regulations Assessment

We have reviewed the HRA and we advise that subject to the transport, air quality and surface water consultees being satisfied that the assessments used to produced the HRA are accurate we are satisfied no further information is required.

The report has concluded that the proposed could have a negative impact due to recreational pressure and habitat degradation due to air quality on the Swale and Medway Estuary and Marshes SPA and Ramsar site.

The impact on water quality has been ruled out however we advise that SBC must be satisfied that the proposed measures to avoid impacts from surface water run off and sewage on the Swale during construction and operational phase are appropriate. The increase in dwellings from this site and application 21/503914/EIOUT could negatively impact the designated sites.

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

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

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

Air Quality:

The report has detailed that the impact from air quality when considering the development in isolation is minimal but when considered in combination with application 21/503914/EIOUT it has detailed the following:

- No measurable change to 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;
- In-combination development will result in a moderate increase in pollutant levels at the roadside, and an increase in the area which would experience pollutant levels above the critical level/lower critical load, the maximum extent being +17.1m (relating to the area exceeding the lower critical load for nitrogen deposition relative to the projected baseline scenario);
- Of this area, only 0.68ha comprises saltmarsh or grazing marsh (equating to 0.01% of the total SPA/Ramsar area), located at field margins adjacent to main roads. Given existing conditions, there is unlikely to be any measurable deterioration in vegetation in these areas, whilst such areas are not considered to be suitable for the bird species for which the SPA is designated;
- Beyond this zone, the lower critical load for relevant habitats is not exceeded, such that no significant effect is anticipated, in line with DMRB guidance;
- In any event, grazing marsh, saltmarsh and estuarine habitats are not particularly sensitive to nitrogen deposition, whilst other factors such as management (i.e. grazing intensity) and river/coastal nutrient inputs are likely to be of much greater relevance in terms of suitability of habitats for the interest bird species.

The air quality assessment was considered with regard to an increase in traffic along the A249 due to the proposal. We advise that we are not experts on air quality or transport assessments and we advise that the LPA must be satisfied that the conclusions of the air quality assessment and traffic assessment are accurate.

Suggested Conditions

If planning permission is granted we recommend that there will be the need for the following conditions:

- Lighting designed to minimise impacts on nocturnal animals
- Detailed ecological mitigation strategy – informed by updated surveys
 - Ecological enhancement plan – including integrated enhancement features
- Site wide management plan
- Site Wide Monitoring Plan
- Habitat creation plan

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

Helen Forster MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following documents:

Base Line Ecological Appraisal; Aspect Ecology; October 2022

Ecological Mitigation Strategy; Aspect Ecology; October 2022

Updated Walkover Survey Results; Aspect Ecology; July 2024

Greenspace Structuring plan; Milton Studio; March 2021

Habitat Regulations Assessment; Aspect Ecology ; July 2024