

PLANNING COMMITTEE – 30 MARCH 2017

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 16/508117/OUT		
APPLICATION PROPOSAL Outline application (with access being sought) for 62 dwellings including details of vehicular access.		
ADDRESS The Slips Scocles Road Minster-on-sea Kent ME12 3SN		
RECOMMENDATION Grant subject to comments from the Greenspaces Manager and any additional conditions/obligations recommended by them, additional reptile surveys being submitted with further comments from KCC Ecology in response and any additional conditions/obligations recommended by them, further comments from Kent Highways and Transportation and any further conditions recommended by them and a Section 106 agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development would provide housing on a site that is allocated for this purpose within the emerging Local Plan. An assessment of the need for housing in the Borough highlights a requirement for housing sites that are located outside of the built-up area boundary as set out in the adopted Local Plan. The sustainability of the application site has been assessed and it is considered to be acceptable on a strategic and a local level. The economic, social and environmental considerations of the proposed development have been assessed and I have identified no harm that cannot be adequately mitigated. Subject to the imposition of the conditions listed at the end of the report and the signing of a Section 106 agreement, planning permission should be granted.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection; local resident objections; and authority to enter into a Section 106 agreement		
WARD Sheppey Central	PARISH/TOWN Minster-On-Sea	COUNCIL APPLICANT Parker AGENT BDB Design LLP
DECISION DUE DATE 02/03/17	PUBLICITY EXPIRY DATE 13/01/17	OFFICER SITE VISIT DATE 15/12/2016
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): There is no relevant planning history for this site.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site totals 2.778ha in area and is located to the southern boundary of the settlement of Minster-on-Sea. Elm Lane bounds the southern edge of the application site and Scocles Road bounds the western edge. A row of detached bungalows and houses front onto Scocles Road and lie opposite the application site. To the north are mainly detached bungalows/semi-detached bungalows fronting onto Drake Avenue. To the east is land used for the grazing of horses and, to the south are agricultural fields. The Thistle Hill housing estate lies to the southwest of the application site.

- 1.02 The application site is currently used for the grazing of horses. There is a large building (to be demolished) located towards the western boundary of the site that appears to be a former agricultural building converted into stables. The site slopes gently to the south and is largely flat with fences dividing the land into paddocks. There is a thick hedge that runs along the southern boundary of the site and a thinner hedge to the eastern boundary with clusters of small trees and hedges within the eastern part of the site.
- 1.03 A public footpath (ZS6) crosses the application site at the northeast corner. This footpath link passes through the site linking Scocles Road, Nelson Avenue, Drake Avenue and Elm Lane. There is an existing pond on the site located close to the existing stable building. An open water ditch runs along the eastern boundary of the application site where it meets a ditch running along Elm Lane.

2.0 PROPOSAL

- 2.01 This is an outline planning application with all matters reserved, with the exception of access, for a maximum of 62 houses to be provided within the site. The indicative plans show that the houses would be a mix of detached, semi-detached and terraced two storey, 2, 3, 4 and 5 bedroom properties. Each property is shown to have at least one allocated parking space and there are additional visitor's spaces shown. A large central green and open space is shown to be provided to the centre and north of the application site and the existing pond is to be retained. The public footpath would be incorporated within the development and would not be diverted. Another large area of open spaces is shown to occupy the northeast corner. The southern boundary is shown to be heavily planted with trees and hedges and soft landscaping provided throughout. The illustrative plan shows dwellings fronting onto Scocles Road.
- 2.02 The access to the site would be taken from two points on Scocles Road, one opposite nos. 100 and 102 Scocles Road and one opposite no. 118 Scocles Road. A new footway is shown to be provided along the entire length of the western boundary of the site as well as a new footway on the opposite side of Scocles Road stretching from no. 100 Scocles Road to the corner of Harps Avenue. The application includes details of a 30 mile/hour 'gateway' which would be located on Scocles Road, close to the corner of Elm Lane and would comprise of a red coloured 'block' with '30' painted on the road, 30m/hr signs and five-bar gates on either side of the road.
- 2.03 This outline application details the provision of 13 self-build plots that would be located close to the southern boundary of the site. The intention is for a house builder to install infrastructure, providing all 13 plots with services at the outset. The plots would then be offered to private applicants subject to them obtaining detailed planning permission for their chosen design which would be in accordance with a design brief that is to be submitted (see condition 26).

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	2.778ha
Approximate Ridge Height (m)	Not specified
Approximate Eaves Height (m)	Not specified
No. of Storeys	2
Parking Spaces	At least 2 per dwelling
No. of Residential Units	62
No. of Affordable Units	0
Density	23d/ha

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 The National Planning Policy Framework (NPPF): paras 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 30, 32, 36 (sustainable transport), 42, 47 (delivering a wide choice of high quality homes), 49, 50, 55, 56, 58 (good design), 69, 70, 73 (healthy communities); 103 (flood risk), 110, 112 (agricultural land), 118, 119 (biodiversity), 120, 121 (contaminated land), 159 (housing), 162 (infrastructure), 186 (decision taking), 187, 196 (determining applications); 197, 204 (planning obligations) & 216 (weight to emerging policies).

5.02 National Planning Policy Guidance (NPPG): Design; Natural environment; Housing and Economic Development needs assessment; Planning Obligations; Use of planning conditions; transport assessments and statements in decision taking; Water supply, waste water and water quality land affected by contamination; Flood Risk and coastal change; Open Space, sports and recreational facilities, public rights of way and local green space.

Development Plan:

5.03 The Swale Borough Local Plan 2008 saved policies SP1 (sustainable development), SP2 (environment), SP4 (housing), SP5 (rural communities), SP6 (transport and utilities), TG1 (Thames Gateway Planning Area) SH1 (settlement hierarchy), E1 (general development criteria), E6 (countryside); E7 (separation of settlements); E9 (protecting the quality and character of the Borough’s Landscape); E10 (trees and hedges); E11 (biodiversity and geological interests), E12 (designated biodiversity and geological conservation sites), E19 (achieving high quality design and distinctiveness); H2 (new housing), H3 (affordable housing), H5 (housing allocations), RC3 (meeting rural housing needs); C2 (housing development and the provision of community services and facilities); T1 (safe access), T3 (vehicle parking for new development); T4 (cyclists and pedestrians) & C3 (open space on new housing developments).

5.04 The emerging Swale Borough Local Plan “Bearing Fruits” – ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST5 (Isle of Sheppey area strategy), CP2 (sustainable transport), CP3 (high quality homes), CP4 (good design), CP5 (health and wellbeing), CP6 (community facilities and services to meet local needs), CP7

(conserving and enhancing the natural environment - providing green infrastructure), DM6 (managing transport demand and impact), DM7 (vehicle parking), DM8 (affordable housing), DM14 (general development criteria), DM17 (open space, sports and recreation provision), DM19 (sustainable design and construction), DM21 (water, flooding and drainage), DM24 (conserving and enhancing valued landscapes), DM28 (biodiversity and geological conservation), DM29 (woodland trees and hedges), DM31 (agricultural land), DM34 (Archaeological sites), A14 (smaller allocations as extensions to settlements) & IMP1 (implementation and delivery plan).

Supplementary Planning Documents

5.05 Developer Contributions (2009)

5.06 Swale Landscape Character and Biodiversity Appraisal SPD (2011). The application site is identified as lying within the Central Sheppey Farmlands character area and Clay Farmlands landscape type – the landscape is generally in poor condition with a moderate sensitivity to change. The guidelines recommend that this landscape should be restored.

6.0 LOCAL REPRESENTATIONS

6.01 Twelve representations have been received from local residents. A summary of their comments is as follows:

- Views affected;
- Additional congestion on Scocles Road (a narrow road) and the accesses would increase the chance of accidents;
- Result in a reduction in property values;
- The ditch that runs along Elm Lane and the application site is prone to flooding and displacement of surface water is likely to have a negative effect;
- Development should be on brownfield land;
- Property in Drake Avenue would be overlooked and overshadowed;
- Detrimental to wildlife on the site;
- Elm Lane and Lower Road will not cope with additional traffic;
- Expansion of the urban area would be contrary to Swale Council's approach to development in the past;
- Local services such as education and health will be over-burdened;
- Dangerous to horses which use the local roads;
- Overdevelopment of the Island;
- Green spaces are being lost;
- Approval of this development could lead to further development along Elm Lane;
- The site is in a Local Countryside Gap and the development would be contrary to the aims and objectives of this designation and policy E6;
- Detrimental impact on the landscape;
- Not in-keeping with the other houses in Minster;
- Pedestrian access along Scocles Lane and Elm Lane is dangerous.

7.0 CONSULTATIONS

7.01 Minster Parish Council object to the proposal on the following grounds:

- The application is premature;
- The site is within an important local countryside gap and should be maintained to separate settlements and safeguard open and undeveloped areas;

- The development is outside of the West Sheppey Triangle (modification 45) and would contradict policies E1, E6 and RC4 of the adopted LP;
 - The development is poor in sustainability terms as it is not well related to existing services and facilities in Minster and major serves in Sheerness and Queenborough;
 - Significant adverse impact on the landscape character of the area. This is hindered by the topography of the site which rises to a crest at the centre with views from low lying marshland to the south towards Minster Abbey and from Forty-Acres Hill. Mitigation would not off-set the landscape impact;
 - Over-intensive development of the site not in-keeping with semi-rural character and appearance of this part of Minster;
 - Scocles Road will not cope with additional traffic;
 - Allowing development of this site could make further development to the east difficult to resist.
- 7.02 KCC (community contributions) request that the application contributes towards a new primary school on the Island, community learning, youth services, library bookstock and social care as well as the provision of 1 wheelchair adaptable home. Members will note that the sums of money required are detailed at paragraph 9.21 below. They also ask that an informative be added to encourage Next Generation Access Broadband.
- 7.03 KCC Highways and Transportation did not originally have sight of the submitted Transport Assessment (TA) and asked for one to be completed. Commenting on the submitted TA they have no objection to the principle of the development from a highway point of view. However, they require further detail in terms of the traffic/speed survey and they cannot therefore confirm the required visibility splay at the southern access. They also require further time to consider the applicant's TRIC's assessment to comment on the proposed trip generation. Commenting on the indicative plans, they discourage the use of tandem parking and, that they do not count garages as parking spaces and therefore plot 47 does not appear to have any parking spaces provided. They recommend conditions to provide visibility splays, provision and maintenance of the accesses, control of the gradient of the accesses, a minimum width of 1.8m for the proposed footway and the use of bound surface for the access roads.
- 7.04 The Lower Medway Internal Drainage Board note that surface water is to be discharged via SUDs to watercourses bordering the site. Although not opposed to this in principle, it will be essential that surface water runoff, and therefore downstream flood risk, will not be increased as a result. A condition to ensure that surface water be attenuated to no more than Greenfield rates for a range of events up to 100 year event +CC/ the details of the proposed SUDs and future maintenance should be agreed with KCC Drainage and flood risk team. Any works affecting their watercourses will require their consent.
- 7.05 KCC Flood Risk and Drainage are generally satisfied that the surface water generated by the proposal can be accommodated within the site's boundaries and discharge at a controlled rate without exacerbating the flood risk to the development site or surrounding area. They recommend a condition to ensure that final detailed drainage design is submitted and agreed in consultation with the Lower Medway Internal Drainage Board. At the detailed design stage it must also be ensured that the area to the north of the site that has been identified as being at risk from surface water accumulation is fully considered, and that a clearly identified and managed means of conveying water from this area to the wider drainage network is provided.

- 7.06 Natural England have no objection to the proposal subject to contributions towards the SAMM and note that a Habitat Regulations Assessment is required. They advise that the SSSI does not represent a constraint in determining the application.
- 7.07 KCC Public Rights of Way Officer have no objection to the proposal but notes that public footpath ZS6 passes through the site and is of high importance for recreational purposes. The route is well used and popular for access to the countryside from Minster. The footpath should be upgraded to a standard agreed with them and consideration should be given to the surface of the remainder of the footpath to connect to Drake Avenue and Elm Lane. A contribution of £13,640 is sought for this surfacing work to be completed. They will not adopt the connecting footpaths shown on the illustrative layout plan.
- 7.08 Southern Water do not object to the proposal but note that currently there is not capacity in their network for the disposal of wastewater sewage, without the development providing additional infrastructure. They ask for a condition to require details of the disposal of foul water. They confirm that they can provide surface water disposal to service the development. Drainage from hardstanding should be by means of oil trap gullies or petrol/oil interceptors. They confirm that they can provide a water supply to the site.
- 7.09 KCC Archaeology note that the site lies within an area of archaeological potential from the multi-period remains found on the higher areas of the Isle of Sheppey. A condition is recommended to require an archaeological field evaluation.
- 7.10 Southern Gas Networks note that there is a low/medium/intermediate pressure main near the site. There should be no mechanical excavation within 0.5m of the low/medium gas main or 2m of an intermediate pipe.
- 7.11 The NHS request contributions towards expanding existing facilities within the vicinity of the site. They ask for a total contribution of £53,280.
- 7.12 The Environmental Health Manager has no objection to the proposed development subject to conditions to secure contaminated land investigations and remediation where necessary, a condition to require a Code of Construction Practice.
- 7.13 KCC Ecology comments that additional detail in respect of reptiles is required prior to the determination of this application. The submitted ecological report outlines that there is suitable habitat for reptiles on the site. Further reports and necessary mitigation measures should be submitted therefore. Great Crested Newts are unlikely to be present at the site in their view. Ecological enhancements should be provided on site.
- 7.14 Kent Police recommend that Secure by Design principles are followed at this site. They have some concerns about the footpaths and permeability afforded adjacent to the side of plots 46 and 53 on the indicative plans which should be considered at the detailed planning stage. They recommend a condition to ensure that details of Crime Prevention through Environmental Design are submitted.
- 7.15 The Environment Agency have no comment to make on the application.
- 7.16 Housing Services were not consulted on the scheme because under the emerging Local Plan (see Policy DM8) there is not a requirement to provide a proportion of affordable housing on new development.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Planning Statement; Design and Access Statement; Foul Water Drainage Strategy; Utilities Statement; Great Crested Newt Survey Report; Phase 1 Ecological Appraisal; Surface Water Management Strategy incorporating a Flood Risk Assessment; Transport Statement; Proposed access and highway plans and indicative site layout and housing mix plans; level survey site plan.

9.0 APPRAISAL

Principle of Development

Planning Policy and the Housing Land supply position

- 9.01 For the purposes of the development plan, the site is located outside of the built confines of Minster-on-Sea and falls to be considered as within the countryside. To clarify, contrary to the representations from local residents and the Parish Council, the site does not lie within a Local Countryside Gap. Policy E6 of the adopted local plan seeks to protect the quality, character and amenity of the countryside. Policy SP4 seeks to provide sufficient land for housing need, policy SP5 seeks to protect the quality and character of the wider countryside and policies TG1, SH1 and H5 of the adopted local plan seek to concentrate this in the Thames Gateway Planning Area. Policy H2 of the adopted plan states that permission for new residential development will be granted for sites that are allocated or within defined built-up areas. Outside of these, new residential development will only be granted for certain limited exceptions. The application site being outside of the built-up area boundary would be contrary to the above policies, with the exception of policy SP4, and not in accordance with the development plan.
- 9.02 The NPPF was published in 2012 and is a material consideration in the determination of planning applications. It sets out a presumption in favour of sustainable development. Paragraph 7 identifies three strands to sustainable development, an economic role (supporting the economy and growth), a social role (providing strong, healthy, accessible communities), and an environmental role (contributing to protecting our natural, built and historic environment). Paragraph 14 sets out that, for the purposes of decision taking, this means where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or; specific policies within the Framework indicate development should be restricted.
- 9.03 Paragraph 47 of the NPPF seeks to significantly boost housing supply, and requires Local Planning Authorities to meet full objectively assessed needs for housing in their area, and to identify and update a supply of deliverable sites to provide a five year housing supply. Paragraph 49 of the NPPF clarifies that policies for the supply of housing should be considered out of date if the LPA cannot demonstrate a 5 year supply.
- 9.04 Based on current Objectively Assessed Needs (OAN) for housing within the Borough, we require 776 dwellings per annum. The council cannot currently demonstrate a 5 year housing supply on this basis as the supply figure currently sits at 3.8 years' worth. Given that the Council cannot demonstrate an existing 5 year housing supply, and policies for housing delivery pre-date the OAN, they must be considered as out of

date. For clarity, these out-of-date policies are: SP5, TG1, SH1, E6 and H2, although it should be noted that they should not be given no weight at all.

- 9.05 The emerging local plan has now completed its examination in public (closed 9th February), and following the Inspector's interim findings, the Council has sought to significantly boost its housing allocations to meet objectively assessed housing needs as modifications to the emerging Local Plan. One of the additional sites identified to meet this housing need is the application site and is a draft allocation for a minimum of 50 dwellings under Policy A14 - Main Modification 166 – smaller allocations as extensions to settlements. Under this policy, table 6.5.3 sets out matters to be considered at the planning application stage. For the application site these issues are: maintain and enhance boundary vegetation; undertake ecological assessments to determine interest and mitigation necessary; consider widening Elm Lane frontage across the site; consider a proportion of plots for self builders and; potential contribution to A2500 Lower Road improvements, health and primary school provision. The draft allocation of the application site was informed by a revised Strategic Housing Land Availability Assessment (SHLAA) undertaken in 2015. This concluded:

“This site’s primary constraints are access to services and highway issues. While there are clearly sites with better access to services and facilities, in the context of overall housing need, this constraint is not considered overriding. Facilities are available within Minster and the wider urban area within a reasonable walk, cycle or car journey. Highway issues will be need to be addressed in response to the quantum of development accessed off the Lower Road and biodiversity impacts mitigated.”

- 9.06 On the impact on landscape character and visual amenity, the SHLAA notes:
“Unlike other sites in the vicinity (SW/133 - land east of Scocles Road, south of Elm Lane) the modest scale of development proposed is unlikely to have a major impact on the landscape character of the area. Development of the scale proposed could be more easily absorbed into the landscape, being screened in the landscape by mature hedgerow planting, marking the transition between the large open fields down to the Lower Road and the perceived boundary to development in Minster.”
- 9.07 A further examination of the emerging Local Plan took place in February this year with the Council seeking to demonstrate that it can meet its full identified housing needs and a 5 year supply. A number of policies within the emerging plan, including A14 as noted above, seek to deliver housing development in order to meet the OAN for housing in the Borough. These policies are ST1 (sustainable development including delivery of homes to meet OAN), ST2 (delivery targets), ST3 (Swale settlement strategy), ST4 (site allocations to meet OAN), and ST6 (Isle of Sheppey area strategy) to provide housing at sites within the urban and village confines, or as urban extensions to settlements where indicated by proposed allocations.
- 9.08 Against the emerging Local Plan, the Council's published statement of housing land supply for 2015/16 shows the Council to have a five year supply of 5.4 years. However, at this time the Plan has not yet been found to be sound. I can therefore only attach limited weight to this changed position, other than to note the important point that the achievement of this land supply has been assisted by the allocation of the application site and that without it, this supply would be inevitably reduced.
- 9.09 Paragraph 216 of the NPPF sets out that decision makers may give weight to emerging plans, depending on the stage of preparation of the plan (the more advanced, the greater the weight), the extent to which there are unresolved objections, and the degree of consistency of relevant policies to policies in the NPPF.

In this case, the emerging plan policy A14 received eight objections from local residents and the Parish Council. Although these representations remain outstanding, I am of the opinion that the soundness of the evidence base supporting the Local Plan means that material weight should be given to the emerging plan and in terms of the Council's support for the sites that it has allocated to meet the overall OAN and demonstration of a five year housing supply.

- 9.10 Given the fact that the application site is included as a draft allocation within the emerging local plan, I do not consider that it would be premature to approve development on this draft allocation site prior to the adoption of the emerging Local Plan, particularly given the overall need for housing and the Council's 5 year supply position. Planning Practice Guidance clarifies that refusal on the grounds of prematurity would only be justified if the development would undermine the plan-making process. In this case, this draft allocation site has been chosen having followed the approach to the settlement hierarchy set out in the emerging Local Plan, which the examination inspector has endorsed. Therefore I consider that granting planning permission at this stage would not prejudice the plan-making process.

Local infrastructure

- 9.11 The site is within walking distance of a number of amenities within Minster, including a primary school (700m), convenience stores, Medical Centre (1.2km), community hall/church. The proposal includes a connection to the public right of way (Z S6) leading to Drake Avenue and also the provision of footpaths either side of the proposed vehicular accesses from Scocles Road. The applicant has agreed to pay contributions towards a new primary school on the Island as well as contributions towards community learning, youth services, library bookstock and social care in response to an identified need (refer to para 9.21 below for further detail). I therefore consider that this site is sustainably located with good access to local amenities and that adequate contributions are to be paid towards local infrastructure.

Landscape and Visual Impact

- 9.12 The application site is visible from a number of view points, in particular from opposite the site on Scocles Road and from the public footpath (ZS6) that passes through the site. Views from Elm Lane and the countryside beyond are more restricted due to the thick boundary hedge/row of trees along the southern boundary of the site. The relationship of this site with the countryside to the south is of great importance in the assessment of the impact on the landscape character in my view. The application details indicate that the southern boundary vegetation would be reinforced and this is shown on the illustrative site layout. Trees are also shown to be retained along the eastern boundary and this will also be important in helping to limit the impact on the countryside to the south and east. The retention of the existing trees/hedgerow and its reinforcement is of fundamental importance in mitigating any harm to the character and appearance of the countryside to the south and east. The landscaping condition 18 below specifically refers to the southern and eastern boundaries of the site.
- 9.13 Owing to the location of houses to the north and west of the application site, the new houses would assimilate easily into this environment in my view. The illustrative plans show that there would be houses fronting onto Scocles Road and I see this as a positive element of the design which would provide an active frontage to the development and will help to integrate the development into the existing residential area. The proposed new footway and vehicular accesses along this part of Scocles Road would not detract from the appearance of the area in my view. It is acknowledged that the character of this part of Scocles Road would be altered to

become less rural and more suburban, however, I do not consider that there would be significant harm in this respect given the proximity of the site to existing houses opposite. This is also a necessary consequence of the provision of housing on this site.

- 9.14 The Swale Landscape Character and Biodiversity Appraisal 2011 indicates that the surrounding landscape is of poor quality with moderate sensitivity to change. The application site is not within a designated landscape area and is not noted for its special quality or character. Members will note the conclusions on the landscape impact of the SHLAA above at paragraph 9.06. I therefore conclude that the development of this site for housing would cause no significant harm to the character or appearance of the countryside/landscape and that any harm can be adequately mitigated against through retention and reinforcement of vegetation along the southern and eastern boundaries of the site.

Highways

- 9.15 The proposal would provide two new vehicular access points onto Scocles Road. Kent Highways and Transportation are content with the provision of these accesses, subject to confirmation of the required visibility splays. Further comments from them on this matter will be reported at the meeting. It is likely that additional conditions will be required to ensure that the appropriate visibility splays are provided. The proposed northern access would be within an existing 30mph speed limit but the southern access would be within a 60mph speed limit. The submitted TA states that the nature of Scocles Road means that speeds are actually much lower than 60mph. As part of the development, the intention is to extend the 30mph speed limit to the junction with Elm Lane. To reinforce the reduced speed limit, a gateway is proposed which would incorporate red surfacing, 30mph signage and a 'traditional gateway feature' on the grass verge. Kent Highways and Transportation are agreeable to this scheme but it is important to note that they do not require the works in order to address highway safety concerns in respect of the proposal. This scheme is mainly in response to comments from Minster Parish Council and local residents. I have recommended that an obligation is included in the Section 106 agreement to require the applicant use their best endeavours to secure the scheme. We cannot secure the works via a condition as they would be the subject of a Traffic Regulation Order requiring a separate consultation process and a Grampian condition would not be justified as there is no highway safety concern.
- 9.16 The internal roads and parking layout will be determined under the reserved matters application. The proposed footways along Scocles Road, along the western edge of the application site and opposite, will be important in providing pedestrians with good access to the existing footpath infrastructure. It is of note that the applicant is proposing a new footway on the opposite side of Scocles Road which will not only benefit the future residents of the development but would benefit existing residents who live along this part of Scocles Road. I have recommended an obligation within the Section 106 agreement to ensure that this footway is provided via a Section 278 agreement. Pedestrians will also be able to use the public footpath ZS6 that passes through the site and the applicant has agreed to contribute towards re-surfacing of the footpath outside of the site with the expectation that the footpath within the site would also be re-surfaced as part of the development. I therefore consider that the development would be served with good pedestrian and vehicular access.
- 9.17 In terms of traffic generation and congestion on local roads, the submitted TS anticipates that there would be 38 peak hour movements and 291 daily movements from the site. This represents an increase of 8% on traffic movements along Scocles

Road. The TS concludes that the impact on local roads would therefore be negligible. The TS promotes the use of a Travel Plan to encourage a reduction in car usage. I have recommended that this is included in the section 106 agreement. Further comments from Kent Highways and Transportation on the traffic movements are awaited and will be reported at the meeting. I anticipate that these will include comments on the possible need for contributions on Lower Road, as indicated in policy A14.

Ecology

- 9.18 Natural England do not object to the application noting that there would be no significant impact on the SSSI and no significant impact on the SPA subject to contribution towards the Thames, Medway and Swale Estuaries Strategic Management and Monitoring (SAMM) Strategy. Article 4(4) of the Birds Directive (2009/147/EC) requires *Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article*. For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) require the Council to make an appropriate assessment of the implications for the site. An Appropriate assessment is appended.
- 9.19 KCC Ecology have asked for additional survey data to be submitted for reptiles on the site. I have asked the applicant to address this request and Members will note that I have recommended approval subject to, among other things, the receipt of this survey work and further comments from KCC Ecology. Any required mitigation can be adequately addressed through the conditions or obligations within the Section 106 agreement.
- 9.20 With regards to other protected species, the submitted ecology report does not identify any other potential on the site. I have recommended a condition (23) to ensure that biodiversity is enhanced within the development, details of which shall be submitted.

Agricultural land

- 9.21 The application is currently used for the keeping and grazing of horses. This use seems to have taken place for over ten years and may well have a lawful use as such. However, it is possible that the land could still be considered to be of an agricultural use. The application is not accompanied by an Agricultural Land Classification Report but I am aware that much of the surrounding land is graded as 3b (post 1988 Agricultural Land Classification data). Policy DM 31 of the emerging local plan states that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. An overriding need in this case is considered to be the housing need of this Borough. Policy DM 31 states that development on best and most versatile agricultural land will not be permitted unless the site is allocated by the local plan. In this case, the site is included as a draft allocation in the emerging local plan. Paragraph 112 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. In this case I consider that the overriding argument in respect of the loss of best and most versatile agricultural land is that the need for housing outweighs the need for agricultural land and the fact that this site is included as a draft allocation is of significance.

Section 106 agreement

9.22 The following obligations and contributions are required for this application. The applicant has agreed to a Section 106 agreement to include the following:

- SAMM - £223.58 pre dwelling;
- Primary education - £4,535 per dwelling;
- Libraries - £48.02 per dwelling;
- Community learning - £60.43 per dwelling;
- Youth services - £37.58 per dwelling;
- Social care - £60.99 per dwelling;
- Bins - £92 per dwelling;
- Footpath resurfacing PROW ZS6 outside of the site - £13,640;
- NHS – £52,280 total
- Open space - awaiting comments from the Green Spaces Manager;
- 1 wheelchair adaptable home as part of the affordable housing requirement;
- Travel Plan
- Best endeavours to implement an extension to 30mph speed limit on Scocles Road and 'gateway' scheme.
- Provision of footway along Scocles Road opposite the application site from no. 100 to the junction with Harps Avenue – Section 278 agreement
- Possible reptile mitigation measures;
- 5% monitoring and administration fee

9.23 The applicant is not offering any affordable housing in accordance with emerging Local Plan Policy DM8. As this emerging policy is based on the most up to date evidence, it can be given moderate to significant weight. The adopted Local Plan policy H3 which required 30% affordable housing on all sites of is now considered to be out of date. As such, I do not consider that we have grounds to require any affordable housing on this site.

Other issues

9.24 The submitted illustrative plan show a development of 62 dwellings and does not appear overly dense and does not lead to any significant overlooking or overshadowing within and outside of the site. The final layout and design of the houses will be considered at the reserved matters stage and such detail can be assessed at that point. However, the illustrative plan does provide me with the confidence that a scheme of 62 dwellings on the site would be acceptable.

9.25 The proposal includes the suggestion that some of the dwellings/plots could be developed as self-build homes. The details of this are outlined at paragraph 2.03 above. I acknowledge that emerging policy A14 encourages the consideration of self-build plots and the proposal before Members responds accordingly. The inclusion of self-build plots has been promoted in the past by Central Government as a way of encouraging different ways of increasing housing stock and type. The applicant notes that the Island has a tradition of self-build housing and that this scheme would follow this pattern. Such a proposal is therefore to be encouraged in my view.

9.26 In terms of contamination, surface and foul drainage, I note the comments of relevant consultees and have included conditions to ensure that any issues raised are adequately addressed.

10.0 CONCLUSION

- 10.01 Paragraph 7 of the NPPF identifies three strands to sustainable development - economic (supporting the economy and growth), social (providing strong, healthy, accessible communities), and environmental (contributing to protecting our natural, built and historic environment). In terms of the social and economic aspects of the scheme, the development would provide much needed housing. This Borough does not currently have a 5 year supply of housing as required by National Planning Policy. This site is of great importance in helping to meet the growing demand for housing in the Borough.
- 10.02 In terms of whether the proposals constitute sustainable development, I find that the proposals perform strongly in terms of the social and economic strands and that any harm identified in respect of the environmental strand can be adequately mitigated. I also conclude that the development would be contrary to the adopted Local Plan in respect of development outside of the built-up area boundary but that the development would be in accordance with the emerging Local Plan in that the site is a draft allocation.
- 10.03 Paragraph 14 of the NPPF sets out that, for the purposes of decision taking, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or; specific policies within the Framework indicate development should be restricted. I have already identified the key issues above and have considered the impacts against each of the three strands of sustainable development – social, economic and environmental and have concluded that the development would be sustainable. In terms of the paragraph 14 tests, firstly, I do not consider that there are any specific policies within the NPPF that would restrict the proposed development. It is therefore necessary to consider whether there are any adverse impact that would significantly and demonstrably outweigh the benefits.
- 10.04 In terms of the environmental impact of the proposal, I set out above that I do not consider that there would be significant harm to the landscape here and that mitigation in the form of soft landscaping will ensure that landscape harm is limited further. I have discussed the impact of the development on highway safety and amenity and consider that there would be no harm in this respect. In addition, it is anticipated that there would be limited harm to ecology and biodiversity but this is subject to the submission of additional reptile surveys and appropriate mitigation measures if necessary. I have also set out mitigation measures such as ecological enhancements within the site and a contribution towards the SAMM Strategy. The loss of best and most versatile agricultural land is accepted in this case owing to the sites' allocation in the emerging Local Plan for housing.
- 10.05 I therefore consider that the development would be acceptable and, as such, that planning permission should be granted.

- 11.0 RECOMMENDATION – GRANT** Subject to the following conditions and comments from the Greenspaces Manager and any additional conditions or obligations recommended by them, additional reptile surveys being submitted with further comments from KCC Ecology in response and any additional conditions recommended by them, further comments from Kent Highways and Transportation and any further conditions recommended by them and a Section 106 agreement to include items as set out at paragraph 9.21. In addition, authority is sought to amend the planning conditions and to negotiate amendments to the Section 106 agreement as may be reasonably necessary.

Condition:

1. Details relating to the layout, scale and appearance of the proposed building(s), the access thereto and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development to which this permission relates must be begun not later than the expiration of five years from the date of the grant of outline planning permission; or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby approved shall be carried out in accordance with the following approved drawings: 619/204, 619/203619/201.

Reason: For the avoidance of doubt and in the interests of proper planning.

5. The details submitted pursuant to condition (1) above shall include an area equal to 10% of the net site area shall be reserved for public open space. Play spaces shall be surfaced and equipped with play equipment, in accordance with a schedule agreed by the Local Planning Authority before development is commenced and shall be provided before the last dwelling is occupied; no permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area in pursuance of policies E1 and C3 of the Swale Borough Local Plan 2008.

6. No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.

- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Reason: To ensure any contaminated land is adequately dealt with.

- 7. Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: To ensure any land contaminated is adequately dealt with.

- 8. Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details remediation works undertaken, with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site

Reason: To ensure any land contaminated is adequately dealt with.

- 9. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based on the recommendations within the report prepared by RMB consulting (August 2016), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted, critical, 100yr storm) can be accommodated on site before being discharged at an agreed rate to the receiving watercourse network; this rate shall not exceed 7l/s/ha and shall be agreed in writing prior to the submission of any related discharge of conditions application.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

- 10. Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

11. Prior to the commencement of the development, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works.

Reason: In the interests of residential amenity, highway safety and amenity.

12. The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking or garaging of cars and such land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

13. Development shall not commence until a drainage strategy detailing the proposed means of foul disposal (including such infrastructure – on and off site – as may be required) and an implementation timetable, has been submitted to and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: In the interests of ensuring that the site is adequately drained.

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 15. The proposed estate road, 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, as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins and in accordance with a schedule of house completion and an implementation programme for the agreed works, also to be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that the roads are constructed and laid-out in a satisfactory manner.

- 16. The vehicular accesses to the site as shown on the approved drawings shall be constructed and completed prior to the commencement of the first use of the development hereby permitted. The gradient of the accesses shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason: To ensure that a satisfactory means of access is provided for the site.

- 17. The details submitted pursuant to condition (1) above shall include details of a covered secure cycle parking facility shall be submitted to the Local Planning Authority for approval in writing and thereafter provided prior to the occupation of dwellings hereby approved, and retained in perpetuity.

Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

- 18. The details submitted pursuant to condition (1) above shall include details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, the retention and reinforcement of vegetation along the southern and eastern boundaries of the site and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 19. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part

of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

20. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

21. The details submitted pursuant to condition (1) above shall include details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

22. The details submitted pursuant to condition (1) above shall include details which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development, and in pursuance.

23. The details submitted pursuant to condition (1) above shall include a report demonstrating how the proposal will incorporate measures to encourage and promote biodiversity and wildlife shall be submitted to and approved in writing. Development shall be carried out in accordance with those approved details and shall thereafter be retained.

Reason: In the interests of promoting wildlife and biodiversity and wildlife in urban areas.

24. The landscaping details to be submitted in accordance with condition (1) above shall include:

- (a) a plan showing the location of, and allocating a reference number to each existing tree on the site to be retained and indicating the crown spread of each tree.
- (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree.
- (c) details of any proposed arboricultural works to any retained tree, which shall be carried out in accordance with British Standard 3998 (tree work).
- (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.

- (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development

In this condition “retained tree” means any existing tree which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees which are worthy of retention in the interests of the amenities of the area.

25. The details submitted pursuant to condition (1) above shall include measures to minimise the risk of crime via measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED). The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of Security, Crime Prevention and Community Safety.

26. The details submitted pursuant to condition (1) shall include the submission of a development brief to include a design strategy for the overall site and any self-build plots to be provided on site. This strategy shall include details of the finishing materials, palette of colours, elevational treatment and architectural approach as well as maximum and minimum building heights.

Reason: In the interests of visual amenities.

27. Visibility splays of 43 metres at the proposed northern access into the site, set back 2.4 metres from the edge of the carriageway, at the access with no obstructions over 0.9 metres above carriageway level within the splays shall be provided and maintained prior to use of the site commencing. *Additional text to be added upon receipt of accepted visibility splays for the southern access.*

Reason: In the interests of highway safety and amenity.

28. The footways to be provided along the eastern side of Scocles Road and within the development, should be a minimum of 1.8 metres wide to meet standards outlined in the Kent Design Guide.

Reason: In the interests of highway safety and amenity.

Informative:

1. The applicant should be reminded that planning consent does not confer a right to disturb or divert any public right of way at any time without the express permission of the Highway Authority, in this case Kent County Council’s PROW and Access Service.
2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
3. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for

all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Emma Eisinger

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

APPENDIX: HABITATS REGULATIONS ASSESSMENT

Context

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires *Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.*

For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) requires the Council to make an appropriate assessment of the implications for the site. Para. 119 of the NPPF states that *“The presumption in favour of sustainable development ... does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.”*

Given the scales of housing development proposed around the North Kent SPAs, the North Kent Environmental Planning Group (NKEPG) commissioned a number of reports to assess the current and future levels of recreational activity on the North Kent Marshes SPAs and Ramsar sites. NKEPG comprises Canterbury, Dartford, Gravesham, Medway and Swale local authorities, together with Natural England and other stakeholders. The following evidence has been compiled:

- Bird Disturbance Study, North Kent 2010/11 (Footprint Ecology).
- What do we know about the birds and habitats of the North Kent Marshes? (Natural England Commissioned Report 2011).
- North Kent Visitor Survey Results (Footprint Ecology 2011).
- Estuary Users Survey (Medway Swale Estuary Partnerships, 2011).
- North Kent Comparative Recreation Study (Footprint Ecology 2012).
- Recent Wetland Bird Surveys results produced by the British Trust for Ornithology.
- Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014).

In July 2012, an overarching report summarised the evidence to enable the findings to be used in the assessment of development. The report concluded (in summary):

- There have been marked declines in the numbers of birds using the three SPAs.
- Disturbance is a potential cause of the declines. The bird disturbance study provided evidence that the busiest locations support particularly low numbers of birds.
- Within the Medway, the areas that have seen the most marked declines are the area north of Gillingham, including the area around Riverside Country Park. This is one of the busiest areas in terms of recreational pressure.
- Access levels are linked to local housing, with much of the access involving frequent use by local residents.
- Bird disturbance study - dog walking accounted for 55% of all major flight observations, with a further 15% attributed to walkers without dogs along the shore.
- All activities (i.e. the volume of people) are potentially likely to contribute to additional pressure on the SPA sites. Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance.
- Development within 6km of the SPAs is particularly likely to lead to increase in recreational use.

Natural England's advice to the affected local authorities is that it is likely that a significant effect will occur on the SPAs/Ramsar sites from recreational pressure arising from new housing proposals in the North Kent coastal area.

The agreed response between Natural England and the local authorities is to put in place strategic mitigation to avoid this effect – a ‘strategic solution.’ This provides strategic mitigation for the effects of recreational disturbance arising from development pressure on international sites and will normally enable residential development to proceed on basis of mitigation provided avoiding a likely significant effect.

This strategic approach is set out in the Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014). It will normally require the creation of on-site mitigation, such as the creation of open space suitable for dog walking and, secondly, via payment of a dwelling tariff for off-site impacts. The money collected from the tariff would be used by the North Kent Councils and its partners for mitigation projects such as wardening, education, diversionary projects and habitat creation. The policy context for such actions is provided by policies CP7 and DM28 of the Emerging Local Plan.

Associated information

The applicant’s ecological assessment dated January 2017 and the submitted report entitled ‘Information for Habitats Regulations Assessment’ January 2017 contains information to assist this HRA. Importantly, it clarifies that the applicant is willing to commit to contributions towards the strategic mitigation noted above.

Natural England’s letter to SBC dated 25th July 2016 has also been considered; in particular that they have raised no objections subject to contributions towards strategic mitigation.

The Assessment of Land at The Slips, Scocles Road, Minster-on-Sea

The application site is located 1.2km to the south The Swale SPA. Therefore, there is a medium possibility that future residents of the site will access footpaths and land within these European designated areas.

Measures are to be taken to reduce the impact on the SPA and these would be built into the development in respect of the provision of public open space.

This assessment has taken into account the availability of other public footpaths close to the site and to a lesser extent, the open space proposed within the site. Whilst these would no doubt supplement many day-to-day recreational activities, there would be some leakage to the SPA. However, the commitment of the applicant to contribute £223.58 per house to address SPA recreational disturbance towards through strategic mitigation in line with recommendations of the Thames Medway and Swale Estuaries SAMM as detailed above, will off-set some of the impacts. This mitigation will include strategies for the management of disturbance within public authorised parts of the SPA as well as to prevent public access to privately owned parts of the SPA.

Conclusions

Taking the above into account, the proposals would not give rise to significant effects on the SPA. At this stage it can therefore be concluded that the proposals can be screened out for purposes of Appropriate Assessment.