

Tabled Item – Planning Committee 8th November 2018

- 1.01 Members will be aware that, for some time now, agenda items relating to new residential development are accompanied by Habitats Regulations Assessments, considering the issue of the impact of new residential development on the nearby Special Protection Area (SPA). Natural England have previously advised that new dwellings within 6km of the SPA can have a detrimental impact on it, due to increased recreational use, and that mitigation should be secured. The North Kent Authorities together with other organisations have formed a strategic management group (Bird Wise) and developed a strategy for mitigation which is funded by developer contributions.
- 1.02 Up until now the Council has taken the view that minor development (below ten units) should not trigger the requirement for contributions and that the mitigation required will be secured from contributions for major development.
- 1.03 However – the Council recently received the attached appeal decision for a site in Newington – Cromas, Callaways Lane.
- 1.04 The appeal, which related to the refusal of planning permission for a single dwelling, was dismissed on the basis that the appellant did not propose to make a contribution towards mitigation of the impact of the development on the nearby SPA.
- 1.05 The Inspector considers the Council's approach to be incorrect and is clear that contributions must be secured for any new residential use. Legal advice provided since that decision concurs with the Inspector – namely that the Council should now seek mitigation contributions on all applications for new residential development. In taking this amended approach, the following items on the agenda would now require mitigation payments to be secured if consented:
- Deferred item 1 – 82 Church Lane, Newington
2.5 – 9 Whitstable Road, Faversham
2.7 – 172 Scarborough Drive, Minster
2.8 – Land between 119A & 121A High Street, Sittingbourne
2.10 – Land at Old Billet Lane, Eastchurch
2.11 – 2 Arthur Street, Sittingbourne
- 1.06 Planning and Legal Officers are still working through the finer details of an appropriate mechanism by which these contributions can be secured and the wider impacts such a change will have on operational procedures. However, on the basis that they are now required, the resolution for each of these items

should now be taken to include officers seeking delegation to permit or refuse each of the above applications on the basis of whether the applicant is prepared to make such mitigation payments.