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Swale Borough Council  
Swale House  
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Kent  
ME10 3HT

3<sup>rd</sup> March 2021

Dear Councillors,

**Planning Application Reference: 18/502190/EIHYB  
Land North Quinton Road Sittingbourne Kent ME10 2SX  
Proposed Planning Condition 12A**

I write in respect of the above application which is being considered by the 4<sup>th</sup> March Planning Committee.

Persimmon Homes have worked closely with your Officers to bring the application to committee and it is considered that the report presents a fair and balanced assessment of the proposals. To this end the proposed planning conditions (as set out in the report and the tabled update) are all agreed with the exception of proposed Condition 12A.

Officers have allowed us to write to you directly to outline our concerns in respect of this condition for your consideration.

**Proposed Condition 12A**

Proposed Condition 12A states:

*“The details submitted pursuant to condition (1A) [Reserved Matters] above shall in respect of each phase be in accordance with a detailed scheme for all proposed habitat features and enhancements (including a programme for implementation) for the outline areas that shall be designed to deliver a biodiversity net gain of a minimum of 20 % across the entire site (and a minimum of 10% in any one phase) and shall be broadly based upon Ecology Partnership letter dated 7 December 2020. The scheme shall be carried out in accordance with the approved details and prior to occupation of the first dwelling in each phase the agreed mitigation for that phase shall have been implemented, unless otherwise agreed in writing by the Local Planning Authority.”*

Members should be aware that there is no extant local or national planning policy which requires 20% Biodiversity Net Gain to be secured on new developments.

Whilst the Regulation 19 Consultation Local Plan Review includes a *draft* policy requirement for 20% Biodiversity Net Gain this requirement has yet to be examined through the Local Plan examination and may not be found appropriate, viable or deliverable.

We consider it unreasonable for this untested requirement to be applied to our application as it will undermine the deliverability of the scheme.

To explain further, the 20% Biodiversity Net Gain requirement will not be deliverable on the application site within the parameters proposed under the current application. There is simply not enough open space and landscaping within the scheme to allow us to provide suitable habitat and ecology enhancements to achieve a 20% Biodiversity Net Gain.

Members should be aware that measures such as bat and bird boxes which can (and will) be provided in the developed area do not count towards the Biodiversity Net Gain calculation.

Whilst it is acknowledged that the 20% requirement could be achieved by reducing the developed area and increasing the open space, this would reduce the capacity of the site and consequently fail to comply with the Policy MU1 housing target for the site. This would in turn increase pressure to release land for housing elsewhere in the Borough.

It should be emphasised that we have given a commitment to seek to maximise the Biodiversity Net Gain achieved across the site, and mechanisms are proposed through the Section 106 and the Landscape and Ecology Management Plan to secure this.

To this end we request that the condition is amended as follows:

*“The details submitted pursuant to condition (1A) [Reserved Matters] above shall in respect of each phase be in accordance with a detailed scheme for all proposed habitat features and enhancements (including a programme for implementation) for the outline areas that shall be designed to deliver a biodiversity net gain of a minimum of ~~20%~~ 10% across the entire site ~~(and a minimum of 10% in any one phase)~~ and shall be broadly based upon Ecology Partnership letter dated 7 December 2020. The scheme*

*shall be carried out in accordance with the approved details and prior to occupation of the first dwelling in each phase the agreed mitigation for that phase shall have been implemented, unless otherwise agreed in writing by the Local Planning Authority.”*

### **Proposed Condition 14B**

It is important to emphasise that 20% Biodiversity Net Gain will be delivered in Phase 1 and details demonstrating this have been submitted as part of the application. As such proposed Condition 14B (set out below) is agreed.

*“In respect of Phase 1 North and Phase 1 South, no dwelling shall be occupied until a detailed scheme for all proposed habitat features and enhancements (and including an implementation programme, which shall be designed to deliver the new habitat / enhancements at the earliest opportunity) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to deliver a biodiversity net gain of a minimum of 20% across the two phases (with a minimum of 5% for either phase) and shall be based upon the Ecology Partnership letter dated 7 December 2020 and the ‘Illustrative Landscape Masterplan for Phase 1 North. The scheme shall be carried out in accordance with the approved details and implementation”.*

It is important to note that Phase 1 North include a large part of the proposed Country Park which will allow us to achieve 20% Biodiversity Net Gain. However such a large area of open space will not be provided in any of the subsequent phases. This serves to demonstrate that an overall, site wide 20% Biodiversity Net Gain requirement is simply not achievable.

I trust these brief comments will assist the committee in their consideration of this issue.

Yours sincerely



**Tom Ashley**  
**Senior Planning Manager**  
**Persimmon Homes**