

TABLED UPDATE FOR ITEM 2.3

20/503325/FULL – Land East of Crown Quay Lane, Sittingbourne

Further responses

The Kent County Council ecologist has provided further comments and advises that, in their opinion, the Biodiversity Net Gain is more likely to be in the region of 15% rather than 23% anticipated by the report submitted. They also recommend some minor amendments to the wording of ecology conditions as drafted in the report, and the amended wording is set out below.

Officer note – I consider that even with the KCC Ecologist's more conservative estimate of 15% net gain, this still represents a material gain in biodiversity and accords with policy.

The KCC Minerals and Waste team – advise that if appropriate noise mitigation can be secured via conditions, then impacts on safeguarded waste sites are acceptable.

The KCC Archaeologist – recommends a condition to require a programme of archaeological work to be undertaken. (the condition is listed below)

The SBC Environmental Health department – have recommended minor changes to the wording of condition 4 relating to measures to deal with noise (the amended condition is listed below)

S106 Obligations

I have noted that the list of S106 obligations sought by Kent County Council and the NHS in relation to education and local healthcare (as summarised in paragraph 8.41 of the report) need to be updated to reflect minor changes in the housing mix during the course of the application.

As a result the NHS contribution would increase from £81,000 to £81,720

The KCC Education total would be amended to incorporate 1 x additional 2 bed flat in the mix (amended from a 1 bed unit), which would result in an additional sum of £3,500.56 in respect of primary and secondary school contributions to be added to those requested.

Other matters – the applicant has requested that the restriction on occupation relating to improvements to the M2 J5, as secured by proposed planning condition 12, is removed and instead secured under the S106 Agreement. I have no immediate objection to this, as this would still effectively provide the same control mechanism, but need to confirm with Highways England that this is acceptable to them. On this basis I would seek approval from committee as part of the delegated authority to have the option to change this condition to a planning obligation in the S106 Agreement.

Recommendation

My recommendation remains the same but with the following amendments to the list of conditions (and option to move condition 12 into the S106 Agreement) -

4) Notwithstanding the submitted details, no development shall take place beyond the construction of foundations until a scheme to mitigate the dwellings from noise impacts has been submitted to and approved in writing by the Local planning Authority. The scheme shall include a modelled sound plan based on the noise monitored data contained in the Environmental Noise Survey and Acoustic Design Statement Report by Hann Tucker Associates dated March 2021, as well as a detailed scheme of measures and evidence to their effectiveness to mitigate noises both internally and within external amenity areas. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the dwellings and retained thereafter.

Reason: In the interests of residential amenity and to protect the reasonable operation of neighbouring commercial uses.

33) No development shall take place (including any ground works, site or vegetation clearance) until a method statement for biodiversity has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works:
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives including any required updated surveys.
- c) Measures for the protection of retained habitats as shown on the Habitats and Ecological Features Plan by Aspect Ecology dated April 2021.
- d) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans.
- e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- f) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.
- g) Use of protective fences, exclusion barriers and warning signs.
- h) Initial aftercare and long-term maintenance (where relevant); and,
- i) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of biodiversity

34) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall demonstrate that its implementing appropriate management to achieve a Biodiversity Net Gain as set out in the Technical Briefing Note by Aspect Ecology dated 30/04/21 and must include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions, together with a plan of management compartments.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity

39) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.