

Wouldham	571728 163098	A) 17.12.2004	A) TM/04/04322/OAEA
Burham Eccles		B) 30.03.2005	B) TM/05/00989/OAEA
Wouldham		C) 17.12.2004	C) TM/04/04323/FLEA
		D) 30.03.2005	D) TM/05/00990/FLEA
		E) 17.01.2005	E) TM/05/00585/A10
		F) 03.05.2005	F) TM/05/01357/A10

Proposal: A & B: Formation of development platforms and creation of new community including residential development, mixed-use village centre (including A1; A3 and B1 use), community facilities and primary school and associated highways works

C & D: Construction of a single carriageway road crossing incorporating segregated pedestrian and cycle way

E & F: Article 10 Consultation: Construction of a single carriageway road crossing incorporating segregated pedestrian and cycle way

Location: A & B: Former Peters Pit And Peters Works Site Hall Road Wouldham Rochester Kent

C, D, E & F: Land Between A228 on West Bank of Medway and Peters Pit on East Bank of Medway, Hall Road, Wouldham

Applicant: Trenport (Peters Village) Limited

1. Description:

- 1.1 This proposal is for creation of a new residential community (Applications A & B) at Peters Pit and Peters Works, to be known as Peters Village. The application has been submitted in outline form, with all matters reserved apart from the means of access. The development proposals also involve detailed submissions for the construction of a road bridge across the River Medway linking the east bank to the A228 on the west bank (Applications C, D, E & F). This is referred to as the Medway Valley Crossing. Applications E & F are Article 10 Consultations as part of the crossing and nearly all works on the west bank lie within Medway Council's jurisdiction. All applications have been accompanied by an Environmental Statement.
- 1.2 Applications A, C & E have been appealed against non determination and are subject to a forthcoming Public Inquiry due to commence on the 9 May 2006. Applications B, D & F are duplicate applications of those applications subject to the forthcoming Public Inquiry. This report represents the only opportunity for Members to determine the Council's position before the inquiry starts.

- 1.3 In light of factors that have emerged since the 3 sites Inquiry decision, as outlined in the Determining Issues section of the Report, the Chief Solicitor sought advice from Counsel who represented the Council at that Inquiry. The recommendations in this report take into account the advice given to the Chief Solicitor by Counsel and other specialist advice where necessary.
- 1.4 The proposed Peters Village development comprises the following key elements:
- *Development of approximately 1000 residential units on a site with a net development area of 21.7 hectares. This represents a net density of 47 dwellings per hectare, ensuring that efficient use is made of derelict, previously developed land;*
 - *To accommodate the development, the regrading of the land to provide appropriate, stable development platforms;*
 - *The provision of a wide range of dwelling types, to ensure a mixed and balanced community;*
 - *The provision of a significant proportion of affordable housing units, in a mix of tenure types, including higher density housing, small scale local retailing and employment;*
 - *The provision of community facilities to serve the development and to benefit the wider area, to potentially include a multi agency community building, police post, ambulance post and doctor's surgery;*
 - *Provision of a serviced site for a primary school and contributions to its construction;*
 - *Provision of public open space including informal and formal areas together with access to and public spaces alongside the riverside;*
 - *Landscape restoration and enhancement; though the introduction of additional planting within the confines of the site, and around its boundaries that will help to integrate the site with its surroundings and add to the quality of built environment;*
 - *Long term management of ecologically sensitive areas adjoining the development site.*
 - *The introduction of a planted mound between the site and the adjacent Peters Pit SSSI, as to protect the ecology of the nature reserve;*
 - *The introduction of improvements to existing roads to the south of Peters Village to improve links between it and the A229 to the south.*

- 1.5 The applicant has submitted a master plan for Peter Village which envisages a village centre being created on the Peters Works site adjacent to the river with buildings ranging from up to 2.5 storeys to 5 storeys. The school site is to be sited in Peters Pit to the east of the overhead pylons and to the south the lower platform housing area, which itself will range up to 4 storey high buildings. Finally, the upper and middle platforms in Peters Pit are to be developed for housing up to 2.5 storeys high.
- 1.6 The proposed Medway Valley Crossing is an 800m stretch of road that links the A228 on the west bank with the development of Peters Village on the east bank. The proposal will cross the River Medway and the Medway Valley railway line. The bridge will be 5m above the track of railway line and approximately 11m above the River Medway. The applicant states that the “*crossing has been designed to ensure that it would not reduce the storage capacity of the river or make flooding more likely further downstream.*” The proposed crossing provides a single carriageway, with a separate footway on the northern side of the crossing and a combined footway and cycleway on the southern side of the crossing. Metal fenced parapets are proposed on either side of the crossing. The proposed crossing will be supported by two piers placed within the River Medway.
- 1.7 The applicant has also submitted a number of supporting documents, such as a Planning Assessment, Environmental Statement, Statement of Affordable Housing Provision at Peters Village, Peters Village & Medway Valley Crossing Design Briefs, Transport Assessment’s for both Peters Village and the Medway Valley Crossing and also an Amplification of the Environmental Statement. These documents are available for Members Inspection prior to the Committee meeting.

2. The Site:

- 2.1 The Peters Village application site area lies on the eastern bank of the River Medway, to the south of Wouldham and the northwest of Burham. The site incorporates the former quarries of Peters Pit and Ravens Knowle, Peters Works and Peters Pit SSSI and Peters Pit candidate Special Conservation Area for great crested newts. The site also incorporates part of the Wouldham Marshes SNCI to the north of Peters Works, whilst also includes small parts of ALLIs and the Strategic Gap. The site includes Hall Road to the north and Court Road and Pilgrims Way to the south. Directly to the south of the main site lies Scarborough Lane, whilst to the east is Pilgrims Way and to the northeast lies Skeleton Hill. The land levels change considerable from west to east within the site.
- 2.2 The application site is a long standing allocation for housing development in the Development Plan and subject to the following site specific TMBLP policies: P2/6, P2/7, P5/5, P5/13, P8/9, P7/8, P3/1, P2/18.
- 2.3 The Medway Valley Crossing application incorporates land on both the west and east banks of the River Medway. The east bank incorporates part of the Peters Pit site, but is mainly to the north of Peters Works. The line of the bridge and road is

slightly different from the Local Plan designation and incorporates part of the ALLI, a SNCI and the Strategic Gap. With the west bank, only a very small section lies within TMBC jurisdiction, with majority being Medway Council's. The proposed road and bridge crosses the Medway Valley railway line and links up to the recently created roundabout for the new Holborough Cement Works.

- 2.4 The application site is subject to the following site specific TMBLP policies: P2/6, P2/7, P7/8, P5/13, P3/7, P2/18, P3/2.

3. Planning History (most relevant):

- 3.1 TM/04/03421/EASP EIA scoping opinion 03.11.2004
New residential and mixed use village centre development with associated highway works request for Scoping Opinion
- 3.2 TM/02/02822/FLEA Withdrawn 13.02.2003
Construction of a single carriageway road crossing incorporating segregated pedestrian and cycle way.
- 3.3 TM/02/02818/OAEA Withdrawn 13.02.2003
Creation of new settlement including 1000 residential units, mixed-use village centre (retail A1 and A3 and office use B1), community facilities and primary school
- 3.4 There is a long planning history of established industrial uses on the Peters Works site.

4. Consultees:

- 4.1 **Aylesford PC:** Objections: There is deep concern that in permitting this one first development that the TMBC will be unable to protect the hard fought existing Green Wedge between Maidstone and the Medway Towns from the pressures of lobbying by commercial interests and the consequent long term creep of further infill development.
- 4.1.1 The PC is very concerned that the housing development quota system imposed on the District Councils is unrealistic as it encourages unsupported population migration. In the case of TMBC, Medway and Maidstone towns where available employment opportunities are low this produces an increased dependency for residents on long distance commuting. Clearly this will place unrealistic demands on already overloaded local and trunk transport infrastructures.
- 4.1.2 In view of the agreed further large scale development of the Kings Hill site and the windfall sites at Leybourne and Holborough plus the agreed development of three major locations adjacent to the river in Aylesford. The need to release land in Peters Pit could not be justified for many years (2019/20 at the earliest) as indicated in the proposal if ever.

- 4.1.3 The need for additional housing in this area must be openly demonstrated in the context of the already declared Thames Gateway Development which will exist less than 1000yards from this proposed development. Any planning authority will recognise it is unrealistic to ignore the proximity of other major developments on the basis of arbitrary administrative boundaries.
- 4.1.4 Members of Medway Council already have the Medway River crossing under active consideration with the developer as a means to facilitate the Thames Gateway development and this will inevitably have a further effect on all the local infrastructures.
- 4.1.5 This Peters Village proposed development is for a series of typical multi-storey urban commuter residencies in isolation from any town and which bring no value or benefit to the adjacent communities. There seems to have been scant regard for trying to match the variety, ethos and style of architectures which are the essence of creating a village structure and a cohesive community.
- 4.2 **Burham PC: *Timing and Need:*** The planning assessment clearly states that additional housing is not needed in the short term to allow TMBC to meet their housing requirements, as set out in the KSP. It also clearly states that Peters Village may not be needed until 2019/2020. The PC fully agrees with these statements and accepts that in future this development may be needed, but at the present time, additional housing, over that previously identified is not required in the area.
- 4.2.1 *Transportation Infrastructure:* Upgrading of the roads in Burham (Court Road and Pilgrims Way). The upgrading of the roads must commence before any development takes place. This is especially relevant as the 1996 traffic figures which have been used as a parameter, are now outdated and traffic movements on these roads have been reduced. It would be unwarranted and unreasonable to the local residents to increase the traffic levels back to those in 1996.
- 4.2.2 *Improvements to Rochester Road between Burham and Bull Lane:* The planning assessment states to include a footway. To ensure the safety of pedestrians in this location, a footway is crucial. This particular location is very dangerous for pedestrians at the present time without increased traffic.
- 4.2.3 *Cycle lanes and easy cycle access.* Do Trenport have data from similar developments confirming that residents do leave their cars at home in favour of walking/cycling to visit the local amenities?
- 4.2.4 *Parking spaces per dwelling:* A good percentage of households nowadays have more than one vehicle, where would these additional vehicles park? Whilst the PC can see why the parking per household has been reduced (to encourage lower vehicle trip generation), has this been proven in other developments?

- 4.2.5 *Public Transport:* Have the public transport companies given written guarantees that they will actually supply to meet the demand? Will the developments go ahead without these guarantees? Whilst studies can confirm the importance of improving facilities in order to encourage journeys by rail, everyone is fully aware of the problems that national rail companies are currently experiencing.
- 4.2.6 *Contradictions:* This relates to the timing of the bridge and first occupation of the residential units. The Design Brief and Transport Assessment are different.
- 4.2.7 *Conclusion:* This development is not required now, the upgrading of the local roads must be classed at top priority, including a footway between Rochester Road and Bull Lane and written guarantees must be sought from the transport companies. Burham PC seeks clarification with regards the timeframe of the commencement of the construction of the bridge in relation to the construction of the residential development. Burham PC appreciates that the planning application is only an outline, but more thought and consideration must be taken with regards to the identity of the local villages.
- 4.3 **Snodland TC:** STC has grave concerns about the impacts of the proposed development on Snodland and the west bank generally.
- 4.3.1 *Highways:* We are concerned about the impacts of the additional traffic on the A228 and the absence of the requisite noise protection for Snodland residents. We strongly believe that the overdue duelling of the A228 with noise protection should be completed before any development takes place. We recall that promises the Landowners made two decades ago about holistic approach to the restoration/redevelopment of their derelict sites in the Medway Valley. The developments at Halling and Holborough, along with the Cement Works, combined with Peters Pit has a cumulative effect is substantial and the duelling/noise protection measures are clearly required.
- 4.3.2 *Thames Gateway:* We see no good or substantial reason for changing the east bank timing agreed through the local plan process. The attempt to include this site in the Thames Gateway and thus subvert the local planning policy is artificial and unreasonable and should not be allowed to succeed.
- 4.3.3 *River Bank:* Whilst we recognise that some improvements have been made it is in a piecemeal way. In the case of this application, we believe that the development should support:
- Improvement of the riverside footpath on the west bank opposite the development site;
 - Direct access from the west bank footpath to the new bridge;

- Direct access from the new bridge to the riverside footpath on the east bank;
- Contribution to the restoration of the Snodland Historic Riverside project.

4.3.4 SSSI: We place a high priority on protecting the Holborough SSSI. We are concerned that the bridge proposals could disturb management of the water levels and threaten the species and interest that we wish to protect.

4.4 **Wouldham PC: Need:** The first point the PC wish to raise is the question of need. Has it been established that there is an identified need for this housing, particularly in light of the various developments that are envisaged in the general area of this development, namely those at Kings Hill, Leybourne, Holborough and Rochester etc. If the need is not clearly identifiable, the PC suggests that consideration should be given to deferring the project for a period of time.

4.4.1 *Size of Development:* On the assumption that a need exists, the PC question the size of the development and whether it conforms to the needs of the Borough as specified in the Borough Plan.

4.4.2 *Infrastructure:* The PC is very concerned over the infrastructure and feel that unless there are more specific plans to deal with many issues that arise under this head, planning consent should be withheld until plans are put forward that satisfy TMBC that the development will not cause major problems on local roads and services. Associated to this question of integration of services such as doctor's surgery, dentist, school, etc. The village is presently devoid of most of these services and the view is that the development should provide these from the outset because the local provision, such as it is, is already very overstretched and will be totally inadequate to cope with the likely demand. It is suggested that there might be a specific requirement in any planning consent that might be give, that the infrastructure and services should be in place at the commencement of the development.

4.4.3 *Height & Density of Development:* The PC question the requirement for the types of dwelling proposed under this outline application. Has it been established that there is a need for the types of dwelling at the height and density proposed under this application, in a rural location. The PC is not aware of any development of this type that exists along the banks of the Medway.

4.4.4 *Pollution:* In light of the study that has recently been published regarding polluted air levels; the PC is very concerned about air pollution levels. No survey has predicted what particulate and air pollution levels. No survey has predicted what particulate and air pollution levels are likely in the basin of the Pit. Air circulation is poor in this area and this is an increasing concern, with the additional aggravation of electro and magnetic fields. Monitoring of pollution levels is essential requirement to ensure that required levels are maintained and steps taken to deal with it, if dust and air pollution warrant it.

- 4.4.5 *Bridge Crossing:* At present, the suggestion is that the housing development will commence at the same time as the construction of the bridge progresses so that a proportion of houses will be built before the bridge is constructed and in use. The PC objects to this course of action and consider that the bridge should be constructed before any development of housing takes place.
- 4.4.6 *Location:* The PC is of the opinion that the bridge should be made to fall within the brownfield land on the east bank and not take up valuable Greenfield land and SNCI. They therefore object to the present siting of the bridge on the east bank side.
- 4.4.7 *Transportation:* The traffic studies argue that there will be a little increase in the numbers of vehicles crossing the bridge either to get to or from the A228. The PC does not agree with this view at all and consider the statement and numbers quoted are totally out of touch with the reality of the situation. There is considered to be a need for an independent audit of the transportation element of the proposal to get a much more unbiased appraisal of the situation. With the proposed bridge falling between the M2 and M20 there will inevitably be many occasions when there are 'hold ups' on either of those motorways (which is becoming more and more frequent of late), the bridge crossing will be used and the route to or from the Medway area will involve traffic using Wouldham High Street as part of the 'rat run' through to or from the bridge. As a consequence, the PC consider the Borough need to ensure that the traffic management plan for the area, routes effectively but deters the 'rat run' concept with a particular attention being given to the High Street, Wouldham.
- 4.5 **Halling PC:** The applications should be determined by public inquiry: The PC makes the following comments:
- There will be significant increase in traffic from the houses on the A228 which will be added to the extra traffic from the new Cement works at Holborough and the proposed expansion at the RMC works.
 - Commuters will be driving to Halling Railway Station where there is no parking.
 - Noise from the construction and heavy vehicles to and from the site.
 - Need for the for more houses on top of those at Kings Hill, Leybourne Grange, Holborough and Leybourne Lakes.
 - Another 1000 houses will have a serious affect on the SSSI in spite of conservation attempts.
 - There are colonies of Great Crested newts, bats and badgers which are protected species. Any development drives away endangered species.

- There will be disruption to the Holborough SSSI both during and after construction.
- The chalk supply for the west embankment will need borrow holes leading to more heavy traffic to convey it and the noise of machinery extracting it.
- Will the target of 30% for affordable housing be obtainable.
- The nearest Fire Station is in Halling, surely one should be included in the development.
- There is no provision for a secondary and primary school. Children from the Peters Pit would have precedence over children from the further parts of Halling as regards distance.
- Riverside buildings will be 5 storeys, this affects the view from the other side of the river.
- Flood consideration on a tidal river. The flood drains will be controlled by flap valves which are not very effective. This is a need for a fluidics survey.
- The development is encroaching on a strategic gap.
- The contaminants on the site are not mentioned, what are they, do they include explosives.
- There will be housing under power cables.
- The archaeological survey has not been completed.
- The rules governing wheel washing, sheeting of vehicles and traffic management must be strictly enforced.
- The residents of Halling will be subjected to 11 years of upheaval during these works.
- The whole development is not in keeping with the local area.

4.6 **DHH:** Housing: The applicant proposes to offer 20% of residential provision as affordable. This is below our target of 30%. Although much evidence is provided to justify the need for affordable housing a lower % is offered and it is not clear why 30% can not be achieved. The applicant should produce figures to support their argument that will withstand scrutiny by Council offices. Once we are able to establish numbers we can focus on the tenure mix taking into account our affordable Housing Guidance Note: the need to achieve a balanced community; and the costs of providing the affordable housing should grant be necessary. (DPT note: since this comment was drafted the applicant has indicated that the level of affordable housing will be increased to 25%. On this basis it is anticipated that

there may be the opportunity for a good measure of agreement on the levels and tenure that may be achieved and DHH should be in a position to comment further in a Supplementary Report.)

- 4.6.1 Refuse: Any consent should be subject to a condition requiring the submission, approval and implementation of the details of refuse storage and collection.
- 4.6.2 Construction Noise: The applicant should be invited to apply under the construction noise provisions of the Control of Pollution Act 1974.
- 4.6.3 Operational Noise: 2m high acoustic fence are proposed on the approaches to the bridge. It would be desirable if the bridge and the main roads incorporated a “low surface” noise surface. These matters should be dealt with by condition.
- 4.6.4 Contamination: Any planning consent should be subject to the standard land contamination condition and informative because of historic uses of the sites.
- 4.7 **DL:** In general terms, the Peters Village development is welcomed, as it will significantly improve this otherwise much despoilt site. A development of this scale will not only require substantial leisure facilities to be provided within the development, but will also impact on the demand for leisure facilities which serve a wider community area. I welcome reference to the provision of community centre facilities, open spaces, formal outdoor sports facilities, footways, cycle routes and bridle-routes and children’s play facilities.
- 4.7.1 Children’s Play Provision: Should be concentrated to provide a single area central to the whole development, rather than the proposal for one LEAP and one NEAP. This should be the ‘village’ play area and should be fully equipped to cater for all age groups including teenagers and young adults.
- 4.8 Public Open Space/Outdoor Playing Space: The areas under the overhead power lines should not be included in the open playing space provision, although it could be used for informal open space. There could be an under provision, rather than over provision of open space requirements. Further information regarding differentiating between formal outdoor sport land, children’s play space and public open space.
- 4.8.1 Cycle/Pedestrian/Bridle Routes: These are welcomed, but as far as is possible the routes should be segregated from vehicle traffic and provide safe access to public areas.
- 4.8.2 Management and Maintenance: There should be appropriate funding and arrangements for the future management and maintenance of the leisure and recreational facilities provided.

- 4.8.3 The bridge development offers the opportunity to increase accessibility to the local countryside and promote sustainable methods of transport. It is welcomed that the development aims to enhance both pedestrian and cycle access to the surrounding villages. However, further opportunities are apparent and every effort should be made to achieve them.
- 4.8.4 It is the Council's aspiration to create pedestrian/cycle access to, and along both banks of the River Medway and opportunities associated with this development should be taken forward by the developer. The west side of the Medway is a number of informal paths and there is scope to upgrade sections of these in the immediate vicinity of the bridge. On the east bank a riverside path is desirable. Access will also need to be provided to link these paths with the new housing development. A path connecting the bridge crossing to the west bank paths would address this issue.
- 4.9 **Medway Council:** No response.
- 4.10 **Maidstone & Weald PCT:** Seeks contributions towards health care facilities within Peters Village for a two storey building in the region of 242 square metres. Alternatively, an extension to the Burham practice would be sought.
- 4.11 **Kent Fire Rescue:** No objection.
- 4.12 **CABE:** No comment.
- 4.13 **Health & Safety Executive:** No comment.
- 4.14 **Lower Medway Internal Drainage Board:** EA to response on this development.
- 4.15 **Kent Police:** No objections.
- 4.16 **DEFRA:** No response.
- 4.17 **Ramblers Association:** Suggest a number of additional Prow's and realignments.
- 4.18 **Southern Water:** *Foul Sewerage:* The strategy proposed (new pumping station and sewer discharging to Aylesford WTW) is satisfactory. The off site sewerage should be requisitioned by the developer under the terms of the Water Industry Act.
- 4.18.1 *Surface Water Sewerage:* Where the sustainable urban drainage solutions are proposed, not all systems may be adopted as Public Sewers. You should assure yourself that any proposed systems will be maintained in perpetuity to ensure that, in particular, any proposed foul sewerage system is not overwhelmed by excess surface water discharges.

- 4.19 **British Driving Society:** Objection: The Green Wedge between Maidstone and the Medway Towns is already overcrowded. Many people from the urban areas come here for recreation, including riding and driving horses. More houses means more traffic on roads, already too crowded to be safe for horses. Quiet lanes have become busy roads but few alternatives have been provided for the original (non motorised) types of user. I understand that the Borough's housing requirement can be fulfilled on land already allocated so that there is no need for this development.
- 4.19.1 If there is to be a road bridge across the River Medway, please ensure that horses are included in the section segregated from motor vehicles, and that the parapet and surface design is appropriate.
- 4.20 **Kent Downs Area of Outstanding Natural Beauty:** Although the site is not within the Kent Downs AONB boundary, it is quite close to it and visible from the AONB. Therefore, it very important the proposed development does not adversely affect the character of the AONB. The impact that any detailed scheme may have on the landscape character of the AONB should be considered as part of an EIA.
- 4.21 **Kent RIGS:** The Kent RIGS (Regionally Important Geological and Geomorphological Sites) Group is a voluntary group, re-established in 2000. The Group receives a small amount of project-targeted funding from English Nature (Kent Team).
- 4.21.1 RIGS are to be considered on a par with Sites of Nature Conservation Interest (SNCIs), as emphasised in the Kent and Medway Structure Plan Policy E7 (Deposit Plan 2003). To date, the Kent RIGS Group has forwarded details of 30 sites to local planning authorities for designation, with a further 10 sites, in the Chalk, about to be forwarded.
- 4.21.2 Peters Pit is one of this current batch of Chalk sites. The existing faces provide a high quality exposure of the infrequently exposed Cenomanian (Lower Chalk) – Turonian (Middle Chalk) boundary, including, significantly, the Plenus Marls. The site is also historically significant, having yielded many fossils in the late 19th and early 20th centuries. In the assessment of any development proposal for this site, consideration needs to be given to the requirements of Kent and Medway Structure Plan Policy E7 and the Government's Planning Policy Statement 9: Biodiversity and geological conservation.
- 4.22 The Kent RIGS Group made a preliminary response to the planning application on March 31st 2005. We see nothing within the Environmental Statement, or the Amplification of the Environmental Statement, that recognises this local geological

significance of the site, or details any explicit measures that would conserve these features. Our acceptance of the development proposal is **CONDITIONAL** on the following criteria:

- 1) An exposure(s) displaying the Cenomanian – Turonian boundary (including the Plenus Marls) is conserved. We believe that an appropriate exposure(s) can be retained without significant alteration to the outline design. I understand that Chris Hall, Project Manager for Trenport Investments Ltd., has agreed with this in principle, pending a detailed examination (conversation with Diana Franks, General Secretary, Kent RIGS Group, 20th February 2006). Dr David Wray, Department of Earth and Environmental Sciences, University of Greenwich, (our site surveyor), has submitted some preliminary information as regards a possible exposure(s) (see attached plan and correspondence). Dr Wray is happy to attend any liaison/site selection meeting. Such an exposure could highlight the earth heritage significance of the site, which is also the key to its industrial heritage.
- 2) Appropriate interpretation, probably in the form of information boards, is agreed upon, and provided, on site. Given the site accessibility afforded by the proposed development, and the incorporation of a school into the Village design, there is tremendous scope for awareness-raising and education at all levels, from the general public/villagers, through school pupils to professional researchers.
- 3) A management agreement for the retained exposure(s) is reached, and a written management plan produced.
- 4) Options for the recovery of fossil material, and stratigraphical recording, during the construction phase are discussed and agreed. Given that the pit yielded significant numbers of fossils during its working life, possible measures for fossil recovery and conservation should be discussed. New exposures created during the earth-moving phase can provide opportunities for study by amateur/professional geologists

4.22.2 We believe that all of these conditions can be met within the overall design, without great alteration to the scheme, and that they will retain and enhance the geodiversity, overall value and prestige of the Peters Village development.

4.23 **EH:** No comment.

4.24 **Medway Ports Authority:** No response

4.25 **Mid Kent Water:** No response.

4.26 **Transco:** Gas: High pressure gas line is the vicinity of the development. Attach informative.

- 4.26.1 *National Grid*: Development is affected by 400,000 volt overhead line. Minimum ground clearance is 7.6m and 8.1m for a road. Attach informative.
- 4.27 **British Horse Society**: I would not support such a large development in this area of countryside for a variety of reasons. We know that development occurs at expense of countryside, and if it were to go ahead, it is sensible to use a brownfield site, such as an old pit. However, it must be remembered that 6.5% of the population, including those newcomers will want to ride or drive horses, and this must be planned into the development at the outset, and not found to be wanting at a later date.
- 4.27.1 There are large numbers of horses already being ridden on local, currently reasonably quiet lanes. The BHS would want to see provision of bridleways included in the detailed plans, should the development proceed. Bridleways are multi-user paths available to the non-motorised user groups of horse riders, cyclists and pedestrians.
- 4.27.2 The provision of a second crossing of the River Medway (as an alternative to riding at altitude on the side path over the motorway bridge) available to all non-motorised users would be the only benefit of the development, but again, equestrians must be included in that provision. A safe surface (for shod horses) on 3m wide paths in each direction, physically separated from vehicular carriageway, with high parapets on the bridge, would be needed for safe passage of equestrians. This path could be shared by all non motorised users (horse riders, cyclists and pedestrians) by creating by dedication, a bridleway alongside what will become a very busy road.
- 4.27.3 It is disappointing to see that, yet again, a large number of people that are vulnerable road users, equestrians, have again been largely excluded from your plans. A small section of the bridleway is included, but in view of the numbers of horses already in the area, the quiet countryside nature of the area currently, and the vast increase in traffic that would occur locally, both of residents and workers in the future, and until completion, the thousands of movements of huge lorries required for construction; much greater consideration should be given to the provision of equestrian access.
- 4.28 **Kent Prow Office**: Public Rights of Way MR10, MR16 and MR15 will be affected by the application. The existence of the public rights of way are a material consideration and should planning consent be granted, either acceptance of the current routes into the plan or the diversion of Rights of Way to enable the development to go ahead.

- 4.29 **KCC Strategic Planning:** The principal strategic planning policy issues raised by these proposals are:
- 4.29.1 The current need for the residential development proposed to meet strategic requirements for housing provision, given the site's status as a Strategic Development Location in the Kent and Medway Structure Plan (KMSP Policy WK3) and the strategic housing requirements for the Borough in the Structure Plan (2001-2016) and for the longer term in the emerging South East Plan.
- 4.29.2 The implications for the efficient use of land, the range and mix of housing provision and provision of essential social and community facilities and transport infrastructure (KMSP Policies HP3a, HP7, HP8, QL6, QL13 and TP 11). The impact of the proposals on landscape, biodiversity and cultural heritage considerations (KMSP Policies E3, E4, E5, E6, E7, E8, QL8, QL9). The implications of potential sterilisation of mineral (chalk) reserves (KMSP Policy M12).
- 4.29.3 The impact of the proposals on the transport network and associated infrastructure requirements and their accessibility by a range of transport modes other than the private car (Policies SP1, TP2).
- 4.29.4 The Kent & Medway Structure Plan (KMSP) currently consists of the Deposit KMSP (September 2003), Proposed Modifications (September 2005) and Further Proposed Modifications (January 2006). It is anticipated that the KMSP will be adopted in Spring 2006.
- 4.29.5 Housing Provision and Supply: The acceptability of the Peter's Village site as a development location and its strategic significance to housing supply is supported through KMSP Policy WK3. This identifies Peter's Pit, on the East Bank of the Medway, as a Strategic Development Location, principally for housing and associated social and community facilities subject to the provision of transport infrastructure including a new crossing of the Medway. In addition, paragraph 3.45 amplifies the policy, noting that "*The provision for development on the East Bank of the Medway during the timescale of this Plan is limited to a new community provided on previously developed land at Peters Pit*". Policy WK3 carries forward, in part, Policy MK3 of the Kent Structure Plan (1996) which identified land on the East Bank of the Medway as strategically suitable for major housing provision.
- 4.29.6 Policies P2/6 and P2/7 of the adopted Tonbridge and Malling Borough Local Plan (1998) allocate land within, and in the vicinity of, Peter's Pit for primarily residential development for occupation in the post 2001 period, subject to a new crossing of the River Medway. The site is also earmarked as a strategic site for 1,000 dwellings, to be developed mainly in the post 2016 period, in Policy CP19 of the emerging Local Development Document (Core Strategy Preferred Options Report, September 2005).

4.29.7 The principle of the development of this site for housing is supported by the development plan. It is important that strategic housing provisions are fully met (KMSP Policy HP2a) and that in so doing the fullest possible use is made of previously developed land. However, there is no real imperative to add to the existing housing land supply in the Borough within the horizon of the current Structure Plan (2016). There is a significant surplus of housing land in relation to both residual strategic policy requirements for the remaining period of the adopted Structure Plan (2011) and in relation to the higher, and longer term, 2001-based housing provisions of the KMSP (to 2016). Decisions by the First Secretary of State to grant permission for housing development at Holborough, Leybourne Grange and additional housing capacity at Kings Hill has added more than 1000 homes to the collective capacity of these 3 locations (i.e. over and above that previously envisaged by development plan allocations). This been augmented by other significant recent decisions e.g. the Frantschach site. Land supply in the Borough is generous but delivery is closely linked with timely progress on 3 major sites (Holborough; Kings Hill and Leybourne).

4.29.8 As at April 2005 the policy /land supply relationship was as follows:

Kent Structure Plan (1996)	Dwellings
Structure Plan Requirement 1991-2011	7,700
Total Completions April 1991- March 2005	6,015
Structure Plan Residual Requirement 2005-2011	1,685
Total Land Supply 2005-2011	4,651
Surplus of land supply in relation to residual policy requirement	2,966

Kent and Medway Structure Plan (2003)	Dwellings
Structure Plan Requirement 2001-2016	6,800+
Total Completions April 2001- March 2005	2,281
Requirement 2005-2016	4,519
Total Land Supply 2005-2016 *	6,076*
Surplus of land supply in relation to residual policy requirement	1,557

+ As modified (KMSP Proposed Modifications September 2005)

Source: KPOG Housing Land Supply 2004/05 (October 2005)

* Despite its recognition in the development plan Peters Pit does not form part of this land supply assessment as it has been primarily treated as a longer term (post 2016) option in housing land policy terms.

4.29.9 The emerging South East Plan will roll forward the horizon for strategic housing requirements to 2026. The draft SE Plan envisages requirements for Tonbridge and Malling as:

- 4600 (as per KMSP)
- 2016-2026 3900
- 2006-2026 8,500

4.29.10 These longer term provisions await confirmation but continue to reflect the incidence of large scale previously developed sites in the Medway Gap area including the opportunities previously identified on the East Bank of the Medway at Peters Pit.

4.29.11 Release of the Peters Pit site could be regarded as premature in relation to current policy requirements, the current national policy guidance requirement to identify a 10 year housing supply and the provisions of PPG3 (para 30) that local planning authorities should only seek to identify sufficient land to meet the housing requirement set as a result of the strategic planning process. However there is also recognition that once the approach to the phasing of strategic sites has been determined through local plan policy this would normally be unaffected by any review of phasing that might arise by previously unanticipated increases in land supply. Identification of strategic sites, such as Peter's Pit should carry some certainty as to when its release/development can be expected especially where associated with major infrastructure investment. Lead times associated with prior investment in infrastructure should be taken into account. 2 Given their scale development of strategic sites might extend beyond the life of current plans.

4.29.12 The Peter's Pit location:

- is a long standing strategic commitment to housing development;
- has a development footprint based on previously developed land;
- has substantial infrastructure requirements that are to be developer funded which require some lead time to put in place;
- has a housing capacity the delivery of which will extend beyond current Structure and local planning timescales even with its early release and optimistic assumptions as to the average rate of development that can be sustained.

- 4.29.13 In the light of these considerations the County Planning Authority concludes that continuing deferral of the release of this strategic development would not be warranted notwithstanding the current Borough wide relationship between land supply and policy requirements.
- 4.29.14 Range and Mix of Housing Provision and Community Facilities: The proposals envisage a net density of 47 dwellings per hectare (dph) which meets the aims of KMSP Policy HP3a, which seeks densities between 30 and 50 dph. This location would not accord with the criteria of HP3a in respect of higher densities (above 50 dwellings per hectare) allied to central urban locations or locations with good public transport accessibility.
- 4.29.15 It is noted that an element of affordable housing is to be provided as part of the proposals. A substantial contribution to affordable housing should be a prerequisite for the release of this site given the adequacy of housing land supply in the round and the status of this location as a strategic site. Given the ten year plus timescale for the implementation of this site the Borough Council will no doubt wish to ensure that delivery of affordable housing is not disproportionately consigned to the latter phases of the development. The need for additional affordable housing is more immediate and pressing than for additional housing supply in the round. Whilst the development is predominantly housing, the introduction of the mixed use village, which could include retail, community facilities, leisure and some small scale employment, is in line with KMSP Policy QL6.
- 4.29.16 For a development of this scale the funding and timely provision of necessary supporting social and community facilities is an essential consideration. KMSP Policy QL13 emphasises that residential development should not be permitted until the basis for the funding for the community services it requires has been identified and agreed. The County Council notes the revised site provision made to support a 2FE primary school. The character and mix of housing development pursued will be a significant influence on the need for /viability of this provision but the importance of such provision to the fabric of a new community and its ability to function in a sustainable manner is emphasised.
- 4.29.17 You will be aware from separate discussions with the County Council of the contributions envisaged to educational, library and social services provision associated with this 1000 home proposal.
- 4.29.18 Landscape, Visual Amenity and Cultural Heritage: The Environmental Statement covers all the salient landscape issues and presents a realistic assessment of the potential impact of the development. The proposed housing development has been informed by a detailed landscape assessment of the immediate area which takes into account the broader studies at County and national levels and local variations of land use and land cover. Recent housing, former industry, roads etc. are defining factors in the perceived character. Whilst they are all physical and

visible features, the land-use elements tend not to emphasise the broader aspects of the natural landscape or the most appropriate approach to its development. KMSPP Policy E3 stipulates that where a need for development in the countryside is justified important features and characteristics will be maintained and that proposals should appropriately reflect the need for conservation, reinforcement, restoration or creation of countryside character.

- 4.29.19 The Kent local landscape character areas which are directly affected by the proposals are:
- 4.29.20 Medway Valley: Lower Greensand Belt: The County guidelines for this area, as defined in the *Landscape Assessment of Kent*, are to restore and create landscape features as follows: *Restoration and creation of unimproved pastures and reed beds should be used to increase the nature conservation potential and naturalistic landscape qualities of the river floodplain. Tree planting proposals need careful consideration to avoid destroying the open character of the landscape. Scrub and hedges may be more appropriate in integrating the built developments into the valley. Where they are in a manageable context, existing hedge lines should be gapped up and properly maintained. New hedgerow proposals should aim to link existing remnant hedgerows. Where appropriate, new developments should be sensitively sited and designed to reflect the riverside context.*
- 4.29.21 Kent Downs Western and Eastern Scarp: Greensand Belt. The County guidelines for this area, as defined in the *Landscape Assessment of Kent*, are to create landscape features as follows: *Create a landscape framework to provide an urban edge (an appropriate edge to the urban/rural interface) and peripheral enclosure to the arable fields and other farmland. Encourage a more diverse agricultural use of the land and encourage less intensive use of arable fields. Create shows or wide hedgerows as enclosure and to provide a network of semi-natural habitats. Create small areas of regenerative woodland to provide intermittent tree cover and enhance the ecological interest of the area. Create landscape features which enhance and recognise the ancient highway routes at the upper edge of the floodplain, ensuring that urban development on the waterfront is limited to specific historic nodes and that large open areas remain between the river and the highway. Use woodland and wooded shaws to create an urban edge to existing development.*
- 4.29.22 The ES assessment of the proposed Medway crossing scheme refers to the national-scale Greensand Belt assessment but does not appear to fully take into account the subtleties of the river floodplain which have been identified in the County and site assessments. It may be useful to explore the inherent natural character of the floodplain and marshland in order to refine the scheme and review the most appropriate mitigation of the potential impact.

- 4.29.23 The scheme relies on the establishment of woodland on new embankments in the river plain in order to screen the Medway crossing – these features are not wholly sympathetic to the landscape character and therefore do not fully mitigate the impact of the scheme. An open bridge structure, retaining marshland and scrub, may be more acceptable in landscape terms, and possibly in ecological terms. The outline species such as beech, privet and holly are unlikely to be suitable for the marshland context.
- 4.29.24 The (original) ES (page 125) refers to a *slight beneficial* impact on the AONB of the proposed housing and grass embankments as opposed to the existing chalk quarry face. This is questioned. The proposals involve the introduction of large-scale urban elements on the edge of the AONB designation. There are concerns about the visual impact of housing exposed on the upper platform in the immediate foreground to the AONB upper scarp. Housing on this scale, mid-scarp, will be visible from many viewpoints. The scheme takes advantage of the dramatic views for the benefit of future residents. It is suggested that it would be possible to maintain views *out* at the same time as views *in* are filtered. The rural emphasis of the surrounding landscape should be retained despite the large scale of the proposed development. The design brief aims to retain the character of the village with a rural setting – decisions need to be made as to whether views of the settlements should become part of the AONB setting, or should be restricted to the developed valley. Proposed street trees in the upper development will not adequately filter views of the development. The proposed grassy banks between development platforms provide an opportunity to implement characteristic chalk-scarp woodland, scrub and species-rich grassland; this would enhance the ecological interest and help to visually mitigate housing on the upper platform.
- 4.29.25 The Environmental Statement (page 123) - states that the development will be consistent with the established pattern of small settlements and rural landscape in the locality. However the scale of the proposals is on a much larger scale. It may unify the currently fragmented landscape, as suggested in the ES, but it will change the relatively remote rural character. The layout of the proposed village indicates that it is not essentially rural in character, as it includes parkland and amenity open space. 1000 houses represent a large development in an area which, although previously well settled with small villages, farmsteads and riverside interests, is based on a relatively open and large scale agricultural pattern. Recent built form in the area includes terraces and semi-detached – these are on a small scale but are nevertheless generally considered to be detracting features due to poor materials, an abrupt interface with the rural landscape/quarries and a limited relationship with the inherent landscape pattern. It is not clear if the proposed new development addresses the issue of how to integrate the new urban edge into the existing landscape. Areas of open landscape and the rural edge need to be maintained – ‘transition’ features should

be established between the tailored urban environment and the areas of open, remote, rural, degraded industrial/mineral character. The opportunity should be taken to restore appropriate elements of the landscape to create an edge to the development.

- 4.29.26 The 5 storey development proposed for Peters Village waterfront is likely to be intrusive, particularly when compared with the scale of buildings such as the church at Wouldham. It would be useful to have more detail on the proposed river edge; the experience of this edge from the river will also be important. Will there be any use of the quays apart from a riverside walkway? Much of the open space would be dominated by pylons.
- 4.29.27 Heritage and Archaeology: It is understood that KCC's Archaeological Officer has responded to you directly regarding heritage issues (letters of 10th February 2005 and 2nd February 2006). These include recommendations for a S106 Obligation to encompass a management plan to secure the long term future of the archaeological remains that are to be preserved in situ and provision for an interpretation strategy for the remaining industrial heritage. Cultural elements such as the Pilgrims Way (ancient trackway), listed buildings and ferry crossing points are historic and ancient references which can be taken into account in the proposed design as well as the recent industrial history. It is not agreed that there are 'few' historic features (p.116 of the ES). There is generally not much information submitted on the southern road improvements. The impact of these proposals on the Pilgrims Way should be taken into account.
- 4.29.28 Biodiversity: The proposals are in a very sensitive area ecologically. There are three Sites of Special Scientific Interest (SSSI) within 100m of the proposal: Peters Pit, Wouldham to Detling Escarpment, and Holborough to Burham Marshes. Peters Pit is also a candidate Special Area of Conservation. There are also two non-statutory County Wildlife Sites within close proximity (Rough Grassland, Burham and River Medway and Marshes, Wouldham).
- 4.29.29 There are significant areas of semi-natural habitat within the site boundary and surrounding area, comprising a matrix of woodland, scrub, grassland, rivers, ponds, swamp and mudflats. These habitats provide conditions suitable for a range of protected species.
- 4.29.30 It is noted that the applicants have undertaken significant ecological enhancement work prior to the submission of the current application. This has been at least partly responsible for the designation of Peters Pit SSSI as a candidate SAC based on its population of great crested newts. However the proposal as a whole must not have a negative impact on the integrity of the candidate SAC, the favourable conservation status of the great crested newt population or any other protected species. The Environmental Statement indicates that despite the translocation exercise, great crested newts have been found in parts of the application area outside of Peter's Pit. While monitoring of the newt population

within Peter's Pit took place between 2002 and 2004, it does not appear that any surveys in the wider application area have taken place since 2002. It is suggested that the applicants be required to re-survey all areas of potential terrestrial newt habitat prior to commencement of development.

- 4.29.31 Peters Pit is currently almost 1 km from the nearest area of significant housing (Burham). However with the proposal it must be assumed that Peters Pit would be subjected to a far greater level of human disturbance than at the present time. New housing would also increase the number of domestic animals, specifically cats and dogs, entering the site. While cats are not considered to be a major predator of great crested newts, they will prey on reptiles, small mammals and birds. This could impact on the long-term viability of populations of reptiles, dormouse and some species of birds within Peter's Pit.
- 4.29.32 The measures taken to dissuade general public access in the SSSI are noted. It will be important that adequate measures are incorporated in scheme design and secured as part of any consent to ensure that the SSSI is not negatively impacted by the close proximity of the new housing. Consultation and local involvement have a role to play to encourage understanding of the designated areas and to help prevent 'bad neighbour' activities.
- 4.29.33 The mitigation measures proposed in respect of the impact on bats as a protected species are noted including a proposed new maternity roost structure for pipistrelles is to be constructed prior to the demolition of cottages in Hall Road. The ES also acknowledges that there is the opportunity to enhance the roosting potential of the site through the provision of bat boxes and tiles. These measures need to be secured to ensure that development is not detrimental to the favourable conservation status of the species.
- 4.29.34 It is noted that there are agreements in place for the long term ecological management of the site and that a sponsored warden is in place to monitor and manage the site. These agreements are welcomed. This level of involvement and consultation between the developers and the relevant nature conservation organisations is a very positive step that should benefit biodiversity across the site.
- 4.29.35 Potential Sterilisation of Mineral Reserves: The ES (Chapter 9) estimates that the development area contains c. 7mt of chalk of which only 2.5 mt is judged 'recoverable' and would not justify significant capital investment in equipment. It is also maintained that there would be significant environmental constraints to further working including the impact of any de-watering on the Peters Pit SSSI and proximity of existing /new residential development. Fundamentally it is argued that recovery of chalk from the existing quarry site would leave a lake which would preclude development contrary to the intent of development plan policy. The only potential end user for the chalk identified is the new Medway Cement Works but this already has sufficient consented reserves for its permitted life span.

4.29.36 The chalk reserve may be limited in quality and quantity but should not be sterilised as a matter of course. In line with KMSP Policy M12, prior extraction of material, above the water table, should be evaluated. Local options for the use of this material include:

- RMC/Rugby at Halling: mothballed cement works without any reserves (the permission for chalk working in the Dean Valley having lapsed). However prospective redevelopment of the site for alternative use may rule this out.
- Construction of the Medway Crossing may need materials – chalk from the development site could be used rather than from ‘off site’ sources (due to poor access, etc). Material should be stockpiled if it cannot be used directly in the bridge/embankment works.
- Other development/construction needs in the Medway area. Material could be stockpiled for use with barge transport on the River Medway utilised.
- The second option in particular should be investigated.

4.29.37 Transport Infrastructure and Sustainable Transport Measures: The strategic development of this site is “*subject to the provision of transport infrastructure including a new crossing of the Medway*” (KMSP Policy WK3). To effectively contribute to the objective of reducing the need to travel (KMSP Policy SP1) and to ensure that the site is sufficiently well served by public transport, walking and cycling facilities (KMSP Policy TP2) the Local Planning Authority in consultation with the Highways and Transport Authority, should be satisfied that the necessary measures are secured to meet these requirements. It is also important to ensure that appropriate measures are taken to manage the effects of any increase in car use (and risk of accidents) arising from the proposal on the site and its surrounding area. In particular you will wish to be assured that construction of the new Medway Crossing is complete and operational early in the development of Peters Village to provide the direct access to the A228 corridor, facilitate the penetration of, and access to, public transport via this corridor and to deter access to/from the development from the south east and the A229. Early provision of this link is critical to providing the essential connectivity to concentrations of employment and higher order services. Contributions to pump priming of new/enhanced public transport services, strengthening links to the major centres of Chatham and Maidstone, should form a central element in a package of sustainable transport measures. At the time of writing there is a continuing dialogue between Kent Highways, the Borough Council and the applicant regarding the resolution of issues.

4.29.38 Conclusion: The County Planning Authority does not raise a strategic planning policy objection to the proposals set out in applications TM/04/4322 & TM/05/0989 (Peter’s Village) and TM/04/4323 & TM/05/0990 (Medway Crossing), subject to consideration of the issues set out above.

- 4.30 **Countryside Agency:** No comment.
- 4.31 **KCC Education:** Will seeking Primary School contributions and a 2 hectare for the primary school with nursery provision. No contribution is sought for secondary schools. Contributions towards libraries, adult education and youth and community are also sought.
- 4.32 **KCC Heritage:** Peters Village applications: The amplification statement has addressed some points previously raised. These focussed on the significant Neolithic enclosure, the widening of Court Road and the potential to incorporate the industrial heritage of the site into the proposed development brief. Having read the amplified statement, I wish to make the following recommendations:
- 4.32.1 The statement does not seem to contain further information on the design details of Court Road widening and I am uncertain as to the precise nature of the works proposed there. Although this office is satisfied that any archaeological remains encountered could be managed post planning consent, it is possible that their preservation *in situ* through changes in the road design will be necessary rather than by record as the amplification states.
- 4.32.2 Regarding the Neolithic enclosure, I am satisfied that the effect of the development on the setting of the monument and any buried remains associated with it can be mitigated by a means of a Section 106 and the previously advised conditions. A management plan would secure the long term future of the archaeological remains and I advise that a requirement for a plan to manage all the archaeological remains that are to be preserved *in situ* be agreed is incorporated into the Section 106 Obligation. The applicant should apply for a High Level Countryside Stewardship scheme on the enclosure site in order to limit the damage caused by arable ploughing.
- 4.32.3 There is also further opportunity to better the present the industrial heritage of the site, which I do not feel has been sufficiently addressed in the amplification. The nature and extent of the proposed interpretative signage will need to be agreed as will management of the remaining industrial heritage features such as the tramway and other remaining fragmentary evidence such as the lime kilns. The Section 106 Obligation should therefore also incorporate a requirement for the agreement of the interpretation strategy for the remaining industrial heritage. Coupled with the management plan, agreement could be reached not only for the proposed interpretative signage but also for the preservation and interpretation of the remaining industrial heritage. The heritage management plan could be incorporated with that proposed for the ecological issues on site in order to ensure that both interests are mutually respected.
- 4.32.4 Concerns over the apparent incongruence of intended parkland setting for the development on the site no previous associations with park landscapes have also not seemingly been addressed. I feel that general themes for the development

should be agreed early on in order to ensure it remains sympathetic to its surroundings.

- 4.32.5 **Medway Valley Crossing applications:** In general, I consider that there has been a reasonable amount of evaluation and investigation of heritage and as such there is sufficient information to put forward suitable mitigation measures for most elements. The ES highlights sites of archaeological mitigation measures which include recording of industrial heritage structures, further archaeological work and assessment of peat deposits in a palaeoenvironmental sampling programme. The mitigation measures can be covered by conditions.
- 4.33 **Highways Agency:** The Traffic assessments do not give adequate information to ascertain the impact of the proposed development at the M20 junction 4.
- 4.33.1 Apart from sustainable transport issues, there are a number of points that I would like to raise. I consider that the TA must consider how the bridge and the proposed east bank highway improvements would effect the general distribution of traffic with and without other transport infrastructure improvements, what would be the combined impact on M20 junction 4 and A228/Leybourne Way (proposed signals to be funded by Holborough Valley) and what would be the impact on M2 junction 2 in Medway. I set out my further initial comments below and will give you further comments and advice when I have received further information and considered it.
- 4.33.2 Additional information is also required relating to base year, opening year, assessment year, committed and proposed development traffic and impact on M20 junction 4.
- 4.33.3 Although I consider that the information so far available to us indicate that the development proposed could impair the safe and efficient use of the motorway, I am not able to respond to you in a favourable manner on these applications at this stage. We need further information and time to consider it, and discussions with other stakeholders on issues relating to traffic matters. I therefore recommend that you should not grant planning permission until further notice in response to these applications until the Agency is able to assess the likely impact of the proposed development on the M20 motorway and its slip roads at junction 4. (DPT note: further information has been provided to HA by way of further studies. I have not yet been able to obtain an updated assessment of that work from HA. I will report further on this matter in a Supplementary Report should this prove possible).
- 4.34 **EA:** The existing Peters Works are within an area shown to be at risk of flooding from the River Medway and records suggest the Works were affected by flooding during 1968. The remainder of the site is not perceived to be within the “high risk flood zone” and therefore the Agency has no objection to the development on the Lower and Upper Platforms.

- 4.34.1 The existing flood embankment has a crest height of between 4 and 5m ODN with an average crest height of 4.4 ODN. The estimated static tidal level under the 200 year return period event in Wouldham is approximately 5.2m ODN, and therefore part of the Works site would be at risk to flooding.
- 4.34.2 The applicant proposes to raise the ground level to in excess of 6.0m ODN to minimise the risk of flooding and suggests that the Agency would not be concerned with land raising in a tidal flood risk area. While this statement may be correct generally, there are some sites which are exception to this generalisation. Unfortunately, the land raising at this location may increase flood levels locally in the area and so may present a small increased risk to other existing properties in the area which also do not benefit from appropriate level of protection. This includes residential properties in Halling.
- 4.34.3 The Agency has now had the opportunity to review the hydraulic model for the Medway Estuary in detail. The Agency does not dispute the findings of the Model, and if the 200 year tidal return period it's examined in isolation, the overall impact of the proposed development on flood levels will be insignificant. However, based upon the available information, the greatest impact appears to be during tidal flood events of moderate return period, e.g., 25 year or 75 year, when flood levels at Halling could increase by a few millimetres (up to 50mm). For this reason, the Agency is obliged to maintain an objection until suitable flood mitigation measures can be agreed following consultation between the applicant, the Agency, TMBC and MC.
- 4.34.4 The Agency does not possess information on individual finished floor levels (FFLs) for existing dwellings and so it is not clear whether this will result in flooding on existing dwellings in the Halling area at this stage. However it could reduce the effectiveness of existing defences by increasing the frequency of overtopping, resulting in flooding of roads and private gardens for short periods. Unfortunately owing the relatively small changes in flood levels and margins of error which are impossible to eliminate, it is not possible to quantify a precise reduction in the effectiveness of the flood wall at Halling, in terms of flood return period. It should be noted that under the range of return periods suggested above, parts of Maximilian Drive and Howlsmere Close at Halling are already at risk of flooding under the existing situation.
- 4.34.5 Similarly, it has been demonstrated flood levels north east of Halling may increase slightly under the 100 year to 200 year tidal return period. The proposed development would increase the rate the river level rise in the Wouldham area, resulting in flooding of Halling Marsh at an earlier stage of the event. Under the more extreme event, the proposed development is likely to result in slightly lower levels in the channel to the greater rate of rise compared to the pre-development situation, could result in a greater volume of water entering Halling Marsh. (DPT note: further discussions are in hand jointly with EA, Medway Council and the

applicant to finalise the position on these factors including those that affect the Medway Council area. If possible; an update will be provided in a Supplementary Report)

- 4.34.6 The Agency is satisfied the proposal has no significant impact on fluvial flood events as peak levels will still be within the channel.
- 4.34.7 The Agency also requests a number of conditions be attached to deal with matters of contamination, water voles, reed bed habitat, groundwater, piling foundations and for the river bank.
- 4.35 **KCC Highways:** Views awaited. (DPT note; I am that KCC has received copies of the studies produced for HA and is assessing them. I understand that KCC is also studying the impact on Snodland bypass. If possible I will provide an update in a Supplementary Report.)
- 4.36 **Railtrack:** No objection has been raised subject to controls being imposed during construction and after completion.
- 4.37 **KWT:** Further to receipt of the amplification of the environmental statement for the proposed development at Peters Pit. We are very pleased that the developers have sought to address our concerns, and feel that they have done so satisfactorily. The Trust is therefore happy to withdraw its objection to the proposals, providing that all relevant measures are captured through appropriate conditions.
- 4.38 **EN:** The proposed developments are adjacent to Peters Pit SSSI, Peters Pit cSAC, afforded legal protection under the Conservation (Natural Habitats & co) Regulations 1994 for its population of great crested newts and the Holborough to Burham Marshes SSSI. It is English Nature's advice that there will be a likely significant effect upon the special interest of the cSAC.
- 4.38.1 *Receipt of amplification statement:* The outstanding issues raised by previous letters appear to have been addressed in the Amplification of the Environmental Statement. Therefore, EN withdraws its objection to the proposal, subject to an appropriate Section 106 Obligation ensuring a permanent commitment to the management of the site in order to protect its conservation interest.
- 4.38.2 EN would remind the Council that competent authorities have a duty to carry out appropriate assessments of projects which would be likely to have a significant effect upon a European site, and are not directly connected with the management of the site for nature conservation.

4.39 **Private Reps, A8 Site Notice & Press Notice:** 87 letters of objections and 2 letters of support: The objectors raised the following concerns:

- Result in rat running on local roads;
- Detrimental impact on nature conservation, SSSI and SNCI;
- Increase in traffic movements;
- Buildings too tall;
- No need for housing;
- Need traffic calming in Wouldham/Burham and off street parking provision;
- Build bridge before housing;
- Access to the north should be via Pilgrims Way;
- Noise, air, light and construction pollution;
- Flooding in pit and surrounding areas;
- Destroy village environment;
- Problems of construction traffic;
- Will there be management of the SSSI, SNCI and nature reserves;
- Development will urbanise the area;
- What is a greenway?
- Development will harm the landscape and ALLI;
- Increase in traffic hazards;
- Lack of infrastructure;
- Not sustainable;
- Alex Hill should be provided with a footpath;
- Harm existing shops and services;
- Too many houses in the South East;
- Should provide a riverside walk;

- Roundabout should be moved south;
- Peters Pit is not a brownfield site;
- Scarborough Lane should be closed;
- Wouldham residents would be unable to use the bridge;
- Overhead cables should go underground;
- Harm the strategic gap;
- Cycling provision is very poor;
- Detracts from the visual amenity of the locality;
- Loss of jobs;
- Allotments should be provided;
- Development will add to global warming;
- Development on the upper platform is contrary to policy P2/7;
- Impact on users of the PROW;
- Density too high;
- Lack of bus route;
- Loss of privacy;
- Detrimental impact on trees;
- Development harms the rural character;
- Needs a local community centre;
- Contrary to policy P7/15 relating to riverside footpath;
- Ravens Knowle element should not be included;
- Lack of open play provision;
- Traffic figures are wrong;
- Should provide a church;
- Lack of health care facilities;

- Should provide sports and leisure facilities;
- Traffic pollution;
- Scarborough Lane should not be linked to the development site;
- Loss of outlook;
- Loss of agricultural land;
- Need horse segregation on bridge;
- Not a high standard of design;
- Bridge should have no lighting;
- Harm to the PROW;
- Loss of village feel.

2 letters of support:

- Should enhance football pitch provision in Burham;
- A bridge would be a benefit.

5. Determining Issues:

5.1 The key issues to be considered are whether:

- the residential development is needed in itself;
- the housing should be provided now;
- how affordable housing should be provided if the site is released now;
- the proposal will ensure acceptable highways and transportation conditions;
- the proposal will harm the amenities of the locality;
- whether adequate provision is made for allied community facilities; and
- other factors.

5.2 The following paragraphs will deal with these aspects of the proposals. In framing the analysis and recommendations external advice has been obtained with particular reference to overall development economics, the level of affordable housing and land supply matters generally.

The Development Plan

- 5.3 The draft MGVLV in 1985 first identified the East Bank of the Medway as an Area of Opportunity to meet long term needs beyond 2001 following on from studies for the First Structure Plan carried out in the late 1970's. In 1990 the Second Review of the Structure Plan, under Policy HD2 identified the East bank of the Medway as a strategically suitable location for fresh land release concentrating on damaged land and subject to a new crossing of the Medway. By 1995 the adopted MGVLV narrowed down the Area of Opportunity to two locations - Peters Pit and Bushey Wood. In 1996 the KSP3 specifically identified Peters Pit as a strategic development site under Policy MK3(a). This formed the basis of the TMBLP (adopted 1998) which under Policy P2/6 allocates Peters Pit for development in the post 2001 period. This is carried forward into KMSPP where Peters Pit is still identified as a strategic development site under Policy WK3. There is therefore a long history to the identification of Peters Pit for development. It has been subject to testing at three Structure Plan EIPs and 2 Local Plan Inquiries and all occasions the principle of development has been reaffirmed.
- 5.4 The South East Plan (currently in draft) will replace KMSPP in due course – Peters Pit forms an, unspecified, part of the overall land supply for the whole Region up to 2026. The Plan makes no specifically mention of this site or the East bank of the Medway as a housing location because there are no detailed policies for the “Rest of Kent” area.
- 5.5 The Medway Gap and Vicinity Local Plan (MGVLV), in 1994, identified the east bank of the Medway as a long term location for new housing development.
- 5.6 TMBLP policy P2/6 allocates Peters Pit and Peters Works for housing development in the post 2001 period. Policies P2/6 and P2/7 deal specifically with Peters Pit and are the primary policies for this site. Policy P2/6 of the TMBLP 1998 requires the cessation of all existing uses on the Peters Works site. It includes detailed criteria for the development to meet covering the following matters: provision of vehicular river crossing, off site transport infrastructure; provision of affordable housing; provision of green cycle ways, pedestrian and equestrian networks; restoration of the site; visual enhancements to area; provision of high density development particularly along riverside; recycling facilities; should incorporate Ravens Knowle; provision of riverside path and leisure and recreation facilities alongside the river.
- 5.7 Policy P2/7 of the TMBLP 1998 requires the provision of the following infrastructure; provision of new primary school and community centre; recreational areas and public open spaces; mixed uses by the riverside; nature conservation management for great crested newts in the SSSI; restoration of the SNCI; and finally housing will only be permitted at the upper levels if its levels are reduced.

- 5.8 The draft Tonbridge and Malling Local Development Framework Preferred Options Report has been published. It notes, in relation to the Peters Pit locality: "The development strategy for the East Bank of the Medway, carried forward from the previous Local Plan, is to plan for sufficient development in this area to support the high cost of improving access to it by means of a new bridge across the Medway. The intention is to secure improvements in local access and facilities for the existing communities of the East Bank, whilst avoiding conflicts with areas of nature conservation and landscape importance. To this end, land at Peters Pit continues to be identified as a strategic development location for implementation mainly in the post 2016 period." The response to consultations on the preferred options will be reported in June 2006. Members will wish to know that the applicant has made a number of representations on the LDF. Principal among these is that the site should be scheduled for occupation between 2009 and 2019.
- 5.9 This policy context indicates the clearly established position of Peters Pit as a strategic location contributing to the overall housing provision of the Borough. The policy context, until the draft LDF was published, has anticipated that it would be yielding housing since 2001. On that basis it may have been expected that over 300 dwellings could be at this location by now.

Housing Land Supply

- 5.10 In late 2004 the Deputy Prime Minister granted planning permission for development of some 2450 houses at Kings Hill, Leybourne Grange and Holborough Valley. The Borough Council and the County Council supported the release of these sites in particular because of the provision of affordable housing. Based on land supply figures current at that time these permissions represented a very significant over provision of housing land against Structure Plan quantities and in the context of the guidance in PPG3: Housing. In approving those schemes the Deputy Prime Minister concluded that while the permissions would bring about an oversupply of housing land the level of demand for housing was so far outstripping the supply that the release would not have an adverse effect on the local housing market.
- 5.11 In December 2005 an Inspector granted planning permission for over 300 houses at the Frantschach site in New Hythe Lane. While the Borough Council objected to the proposal because of the impact on the supply of employment land the Inspector granted permission in the full knowledge of the housing land situation described above. Clearly the Inspector's perception of the overriding need to maintain the best possible housing land supply was crucial in the grant of permission.
- 5.12 This approach of favouring the provision of housing land over other considerations is revealed in other appeal decisions in the South East of England recently – where the Government has granted permission despite the fact that the housing

land supply in the Council area concerned already met the relevant plan-led requirements.

- 5.13 The Government has published draft PPS 3: Housing for consultation. This indicates a requirement that LPAs should not inhibit the release of housing or hold-up the grant of planning permission simply because the review of the policy framework, in this case to production of the LDF, is not yet completed.
- 5.14 The South East Regional Housing Strategy 2006 onwards (produced by the South East Regional Housing Board – linked to Housing Corporation/GOSE) identifies Peter Pit as a regionally Strategic site for the period 2006 -2008.
- 5.15 TMBLP assumptions envisaged that this development would be well under way and would have provided some 350 residential units by the end 2006.
- 5.16 In terms of the number of units increasing from the TMBLP allocation of 700 units, the current submission is for 1000 dwellings, which is in line with the more recent Government policies on housing densities set out in PPG3 (Housing). The proposed density of 47 dwellings per hectare falls within the Governments range for new residential development. Indeed, the draft PPS3 (Housing) is seeking to raise density levels higher. Therefore, the proposed increase in number of units provided from 700 to 1000 is entirely appropriate.
- 5.17 I acknowledge the large number of objections from local residents and PCs that question if there is need for this housing at this point in time. This principally relates to the Borough's supply of housing up to 2016. The basis of this information comes from the Urban Capacity Study, significant windfall sites, such as Leybourne Lakes and Frantschach, along with the approval of the 3 major sites (Holborough Valley, Leybourne Grange & Kings Hill). This is a key issue in this case and accordingly all current Government planning guidance on housing has been carefully reviewed. In addition recent cases have also been examined including important cases within the Borough such as the Leybourne Grange, Kings Hill, Holborough and Frantschach sites. The opportunity has also been taken to seek expert advice on these matters in relation to the current proposal. The conclusion reached is that there is little support to refuse permission for an allocated site such as Peters Pit on the basis of the current supply of housing and bearing in mind its long standing development plan allocation it would be extremely difficult to find and justify demonstrable harm that would arise from planning permission being granted, particularly taking account of the points raised on this issue by the County Council.
- 5.18 **Phasing:** Policy P2/6 of the TMBLP 1998 requires the development to be carried out in a phased manner in order to limit the impact on the amenity of the locality and local residents. Significant concern has been raised by local residents and PC as to the precise details, about when the first houses will be occupied, when the bridge will be open and restricting the number of units occupied prior to the bridge being open. The applicant has indicated that they will be amending the

phasing timetable. This revised phasing programme will be submitted shortly – this is a crucial factor in the final decision as to the form of any permission, if granted, but does not affect the principal assessment on the matter of the appropriate timing of the start of the overall development.

- 5.19 The key element of the phasing is the number of residential units that would be occupied prior to the bridge opening. Policy P2/6(1) permits a level of development prior to the bridge being available for use. This limit is not set out in the Local Plan in terms of number of units, but is stated as “*no more traffic than would be generated by the uses on the Peters Works site that were lawful on 30 June 1996*”. This is in recognition of the historic industrial use rights at Peters Works. The applicant had initially sought 200 residential units to be occupied prior to the bridge being open to use, however, following negotiations, the applicant has agreed (written confirmation awaited) to a lower number of 150 residential units prior to the bridge being open. I consider this lower number is a more accurate reflection when comparing the historic industrial uses to the reduced number of residential units this equates to. Bearing in mind the local plan position and the reasonable trade off that could be expected against existing and/or lawful uses this lower number would seem to be a more accurate and appropriate interpretation of how the development should be allowed to proceed in its early stages.
- 5.20 At the same time as the bridge construction commences, the applicant intends to carry out the road improvements and realignments along Court Road and Pilgrims Way. This is a vital piece of the associated infrastructure to serve the new development and to relieve traffic pressure in the locality. These improvements should be completed and available for use as early as feasible in the overall project. It is envisaged that these road improvements to the south of Peters Village will take approximately 9 months and once completed all the traffic movements associated with the development would be routed via these improved roads and therefore, avoiding Burham village. It is not envisaged that any houses would be occupied until the Court Road/Pilgrims Way improvements have been carried out. This is an important change from the position envisaged in TMBLP where these latter works were expected to be “phased-in” to the rate of housing build. These southern road improvements are now in effect “advance works” and this will be very much to the benefit of the residents of Burham in particular. All these matters of phasing of development and thresholds can be covered by conditions and Section 106 Obligations.
- 5.21 **Affordable Housing:** Policies P2/6 and P5/5 of the TMBLP 1998 require 80 units to be for affordable housing. However, the Borough Council’s housing policy has been updated through the adoption the Affordable Housing Guidance Note in April 2004 as supplementary planning guidance. This guidance requires the provision of 30% for affordable housing. The applicant was originally seeking to provide only 20% affordable housing on this site, due to the significant costs of providing the infrastructure, such as the river crossing and realignment of Court Road/Pilgrims Way, repairing/strengthening the river wall on the east bank,

recontouring the site and decontamination costs. The applicant had supported this approach by putting forward the view that the provision of 20% (200 affordable units) would be 120 units or 150% greater than the TMBLP policy and given the development costs would be reasonable in the circumstances. However, following some detailed financial assessment by the Council's own valuation advisors negotiations have reached a point where the proposal has been increased to 25% with a split of 50%/50% rented and shared ownership. Bearing in mind the significant costs involved with this scheme this position is a significant improvement. However, officers are continuing to examine the detail around the affordable housing content especially with regard to possible future funding from the Housing Corporation. Other elements of the development contributions allied to the scheme are also subject of fine tuning and may reveal some opportunity for further shift in the affordable housing approach.

- 5.22 **Ravens Knowle:** Policy P2/6 of the TMBLP 1998 allows Ravens Knowle only to be developed if incorporated with the Peters Pit development. This site is identified for residential development on the adopted TMBLP 1998 and matter of need is addressed above. The current application includes Ravens Knowle, which will be served solely from the internal roads of Peters Pit. No independent vehicular access will be created from Ravens Knowle onto Skeleton Hill. To ensure this matter is secured for the long term, a condition can be attached prohibiting such vehicular access.
- 5.23 **Upper Platform & Regrading Works:** The majority of the development site is being regraded by cut and fill operations to raise land levels at Peters Work's site and within the lower platform of Peters Pit, partly in order to meet flooding concerns, as discussed later in my report. Policy P2/7 of the TMBLP 1998 only allows for housing development on the upper platforms, if the land levels of the upper platform are reduced. The proposed development will reduce levels within the upper platform by in the region of 7m to 9m. Whilst, there will still be a difference in land levels between the various platforms, this has been substantially decreased by the various cut and fill operations. I am now satisfied that the housing development on the reduced upper platform will not be significantly be visually intrusive on the wider landscape.
- 5.24 **Visual Impact:** A large number of local residents have raised concerns over the scale of the development and in particular the height of the buildings proposed along the riverside. Also concern has been raised as to the type of development being very urban in appearance. The proposed riverside development and village centre development will have a mix of heights and scale of buildings, up to five storeys. The Masterplan is not proposing that all development on the riverside will be five storeys, but that the form of development in this location could be up to five storeys. Whilst it is acknowledged that there are no other nearby structures or buildings of equivalent heights, the Peters Works historically had very substantial buildings on the river frontage. In addition, the erection of taller buildings on a river frontage is not an uncommon feature of the Medway Valley. Indeed the very

scale of the space that the river provides often lends itself to development of a scale to match. To the south and southwest lie the very substantial buildings of the paper mills at Snodland and New Hythe. In addition, further to the north, there are four and five storey buildings along Rochester riverside, to the south of the Rochester Bridge. I acknowledge that the proposed development is surrounded by protected countryside and nature conservation areas to the north, south and west, however, the riverside element of the development is a currently an industrial area albeit, more low key today than its historical use. It is not possible to prevent views of development on the waterside. Indeed there is a strong argument that such an approach is inappropriate and the development that takes place should be allowed to maximise the benefit of the location and form a striking design in the valley, given that development of some type is likely to happen. In practice it is likely to be a balanced approach that responds to the location both in terms of its prominence and its mainly rural setting that will prove successful.

- 5.24.1 Both Peters Works and Peters Pit are previously developed brownfield sites, which harm the visual amenity of the locality. The former uses of these sites were not rural activities and therefore it should not be a requirement that the new development should be rural in appearance. The detailed design of the buildings will be subject to detailed submissions should the development be approved. However, the Design Brief for Peters Village indicates an acceptable form of development for this brownfield site. I fully acknowledge that the sites are surrounded by countryside and in particular protected nature conservation sites; however, the scheme includes structural planting at the edges of the development, as well as within the development site, around the more prominent elements. This will ensure that the development retains a rural edge. I am satisfied that this proposed development can be designed in detail to respect the visual amenity of the locality by reference to the Design Brief and the sensitive use of scale, massing and materials in any approval of reserved matters.
- 5.25 **Listed Buildings:** The application site includes two listed buildings within its scheme, these being The Cottage and the Gardeners Cottage along Hall Road. These listed buildings are Grade II and are to be retained as part of the scheme. Under Policy P4/1 of the TMBLP 1998 development should respect the setting of Listed Buildings. From the Masterplan, I am satisfied that the setting of these listed buildings can be retained without any significant harm. There are also a number of other listed buildings in proximity to the application site, however, the development proposals will not have any significant impact upon their setting. EH has not raised any objections regarding this development.
- 5.26 **ALLI, Strategic Gap & AONB:** Part of the proposed road linking the lower platform and the crossing roundabout and the Court Road realignment are not entirely consistent with the TMBLP Proposals Map line for these roads but Policy P7/8 makes it clear that alternative alignments to those shown on the Map may be put forward provided they are not materially worse in terms of environmentally impact. Whilst the width of these roads is not changing, their alignment is

marginally altered. Given that these sites lie within ALLIs and the Strategic Gap, assessment of these changes needs to be taken into account. However, the proposed roads do take up no greater land than the allocated roads on the Proposals Map and therefore, parts of the allocated roads site would revert to back to ALLI and Strategic Gap. The proposed realignments will not make either road any more visually prominent or more harmful to the landscape character of the ALLI. Therefore, there would be no greater impact on the ALLI and Strategic Gap than the TMBLP allocations.

- 5.26.1 I note the concerns raised by KCC Strategic Planning regarding the impact on the Kent Downs AONB. However, it must be remembered that no part of the application site lies within the AONB and that Peters Works and Peters Pit are both previously developed land in need of significant restoration. Whilst it is accepted that the existing upper platform is adjacent to the AONB, the proposal involves significant reductions in its level by some 7 to 9m. This will significantly reduce any visual impact on the landscape character of the AONB. It should be noted that neither Structure Plan nor Local Plan AONB policies have special requirements for sites adjacent to the AONB.
- 5.27 **Traffic & Highway Issues:** This is one of the main concerns raised by local residents and PC's. In particular, there are concerns about the proposal will result in rat running, increased traffic on the local road network, increase traffic movements within the neighbouring villages, and would have a harmful impact on the capacity of the motorway junctions. The Highways Agency has formally raised objections to the proposed development, whilst Medway Council and KCC have informally raised concerns over the Traffic Assessments, as have local residents. Discussions between the applicant and three Highway Authorities are continuing to establish common ground as to the potential impacts of the development, and if there are, what mitigation measures could be incorporated into the application. Therefore, highway matters on the Peters Village and Medway Valley Crossing applications remain outstanding. It is expected that additional information will be submitted, once the discussions between the various Highways Authorities and the applicant have been concluded.
- 5.28 This also means that the more detailed highway works and access arrangements, such as the "greenway" between Wouldham and the development; traffic calming in Wouldham; bus routes; bridleways; cycle ways; whether Scarborough Lane is to be closed at the southern end and the provision of footpath between Bull Lane and Burham (i.e., Alex Hill) also remain outstanding at this point in time.
- 5.29 **Parking:** The proposed development proposes the provision an average of 1.5 parking spaces per dwelling for the development. This is in line with PPG3 (Housing) and the same parking restrictions imposed at the three major sites, covering Holborough Valley, Kings Hill and Leybourne Grange. Whilst KCC is in the process of updating its vehicle parking standards as supplementary planning guidance (pursuant to KMSP which is not yet itself adopted) this KCC document is

not adopted at this point in time and therefore, can carry only limited weight. The Consultation Paper on the new PPS3 (Housing) suggests that parking policies should be developed on a local scale for different locations. Therefore, the proposed provision of an average of 1.5 parking spaces per dwelling meets the approved Government policies for parking but would benefit from review through the life of the development. Whilst I acknowledge local residents have concerns over the rural location of the site and the possible lack of parking provision, the bus services are proposed to be integrated into the site from an early stage and the development itself will not result in additional parking problems in the adjacent villages. The development site is more than capable of providing sufficient parking spaces without resulting in street parking problems and associated highway hazards. The precise details of the parking provision should be controlled by condition and will need to be provided at levels consistent with circumstances that pertain at the time of the approval of the details of the dwelling and business uses.

- 5.30 **Flooding:** The Peters Works site and the proposed bridge embankments lie within the flood plain of the River Medway and are subject to policy P3/15 of the TMBLP 1998. Also PPG25 (Flooding) requires the submission of Flood Risk Assessments as part of any submission. The ES and amplification of the ES details the applicants Flood Risk Assessment. The applicant is seeking to address the flooding issue by raising the ground levels from approximately 4 to 5m above Ordnance Datum Newlyn (ODN) to over 6m ODN. This is above the recorded flood levels of 5.2m ODN as stated by EA. The development would also incorporate a new flood wall on the east bank of the river Medway to meet the changed ground levels.
- 5.30.1 Whilst the EA has no objections on fluvial flooding caused by the development, it is concerned that raising the land levels at Peters Works will displace flooding to Halling. The applicant has submitted additional hydraulic flooding studies. However, the EA is still maintaining its objection until suitable flood mitigation measures can be agreed between the applicant, the EA, TMBC and MC. These discussions are continuing and I hope to be able to update Members in the supplementary report.
- 5.31 **Nature Conservation:** The proposed developments will affect the Peters Pit SSSI, Wouldham Marshes SNCI, Holborough to Burham Marshes SSSI and a candidate SAC adjacent to Peters Pit, The key feature involves the erection of a bund between the housing development and the SSSI and cSAC. Further to the submission additional information within the amplification ES regarding management; both KWT and EN have withdrawn their objections. EN requests that an appropriate Section 106 Obligation is drawn up to secure a permanent commitment to the management of the site in order to protect its conservation interest.

- 5.32 **Education:** The provision of a new primary school and playing fields is a requirement of policies P2/7 and P8/9 of the TMBLP 1998. The application proposes the provision of a new primary school and playing fields within the development. The school has however been relocated compared to its allocation on the Proposals Map. The school has been relocated to the east, so that is no longer sited under the electricity pylons which traverse the site north to south. Whilst this is a technical departure from the Development Plan, I am satisfied that the change to the Proposals Map is acceptable due to the need to move the school away from the electricity pylons and as such is not a major departure from the TMBLP 1998. KCC Education is seeking the provision of a primary school on this site and this can be secured by a Section 106 Obligation. KCC are not seeking contributions towards secondary school places, as there are adequate spaces in nearby schools.
- 5.33 **Community Facilities:** The applicant has indicated that the scheme would include a local centre, which could incorporate shops, community centre, police post, medical centre, ambulance post and employment units. The PCT has requested the provision of land and a building for a medical centre on the site or alternatively, that the Burham doctors surgery is extended. This request can be covered by a Section 106 Legal Obligation. KCC is also seeking developer contributions for youth and community, adult education and libraries, which would involve on site and off site facilities. Again these matters can be covered by a Section 106 Legal Obligation. There is no policy requirement to provide a church or allotments on the site. Halling PC has requested that a fire station be provided on the site; however, the Kent Fire Brigade raises no objection to the proposal and is not seeking such a facility within the application site.
- 5.33.1 A number of residents have raised concerns that the development will have a detrimental impact on the shops in neighbouring villages. The proposal includes the provision of mixed uses, including shops in line with the TMBLP 1998 requirement, given that a new community is to be created. Therefore, the provision of a small number of shops on this site is acceptable and will not unduly harm the adjacent village shops, as the shops within Peters Village are intended to serve the new community and not to compete with existing shops in neighbouring villages.
- 5.34 **Archaeology:** The proposed development does not affect any Scheduled Ancient Monuments, however, there is archaeological evidence of county and regionally important features within the site as highlighted by the ES and the amplification statement. KCC Heritage has raised no objection to the crossing application subject to the imposition of conditions. In terms of Peters Village and its industrial heritage, KCC Heritage is satisfied that this matter can be covered by Section 106 clauses for the management and interpretation of industrial and archaeological remains. Whilst it is acceptable to KCC Heritage that remains found on the line of Court Road could be managed post consent, by a Legal Obligation or condition, they suggest that finds could remain *in situ* changing the road design and line.

Whilst I acknowledge KCC Heritage's suggestion, I am satisfied that the management of any finds is an acceptable mitigation measure, rather than whole sections of Court Road being realigned in order to retain possible remains *in situ*.

- 5.35 **Open Space:** Policy P2/7(b) of the TMBLP 1998 identifies a site for the open play space, between Peters Pit and Peters Works. Policy P8/2 of the TMBLP 1998 sets out the requirements for the public open space. The proposed development will be providing all its open play space within the site, with no off site contributions. The DL has raised concerns whether the provision will be adequate given the proximity of pylons traversing the site, as well as seeking clarification over the different open spaces, such as formal play areas, children's play areas and public open spaces. Whilst the DL has raised concerns over the extent of open space, the actual provision is substantially greater than that allocated on the TMBLP 1998 although it must be borne in mind that dwelling numbers have also increased. The amplification statement of the ES provides more detailed information for the provision of 6 main areas of open space. The detailed layout provision of this open space, formal play areas and children's play equipment can be covered by condition, whilst the management of the areas can be secured by a Section 106 Legal Obligation.
- 5.36 **Riverside Footpath and Public Rights of Way:** Policy P2/6 of the TMBLP 1998 requires the provision of a riverside footpath, however, it is not made clear within the supporting documentation that such a facility will be made on both the west bank and east bank of the river. Also with these riverside paths, they should be so designed to incorporate access to the river crossings. However, given the application is in outline form, I am satisfied that the provision of public riverside footpaths can be incorporated into the scheme and this can be controlled by condition. The KCC PROW Office has not raised objections to the proposed alterations and possible diversions, subject to gaining the appropriate consent. Precise details of the crossing arrangements between PROW's and the new roads, such as along the realigned Court Road, can be controlled by condition.
- 5.37 **Chalk Faces:** A number of chalk faces within Peters Pit are considered to be important geological features. The Kent Regionally Important Geological Sites has requested that such features are retained as part of the scheme and managed,. The applicant has indicated that they are not averse to these suggestions in principle subject to the precise details. Policy E7 of the Kent & Medway Structure Plan seeks to protect these important geological features. The retention, interpretation and management of these features can be controlled by condition.
- 5.38 **Agricultural Land:** I note the number of local residents concerns that the development will result in the loss of agricultural land contrary to policy P3/9 of the TMBLP1998 which seeks to protect the best and most versatile agricultural land from development. However, the majority of the application site lies on previously

developed land, with very limited impact on agricultural land. However, these are development allocations in an adopted Local Plan. Therefore, the development allocation holds greater weight than the agricultural policy.

- 5.39 **Alternative Schemes:** A number of local residents have suggested changes to the development currently before the Council, such as moving the roundabout from the bridge further to south and the main vehicular access to the site should be via Pilgrims Way in the north east corner of the site with a new road up to Borstal. However, Members have to consider whether the proposals as submitted are acceptable.
- 5.40 **Contamination:** Both Peters Pit and Peters Village include contaminated land, as recognised in the ES and by the EA and DHH. The initial studies are very limited, however, both the EA and DHH raise no objection to the proposal subject to the imposition of the standard contamination condition. Such a condition will provide a detailed site investigation, proposed remediation strategy, the implementation of the remediation strategy and the production of a validation certificate.
- 5.41 **Air Pollution:** The ES considers that the development will have a very small and minor impact on the air quality of the local area. The proposal will not compromise any of the quality objectives of the national Air Quality Strategy. It should be noted that neither the EA nor the DHH has raised concerns over this aspect of the development.
- 5.42 **Residential Amenity:** A small number of local residents have raised concerns over the loss of privacy and loss of outlook from their properties. The nearest residential properties lie at Ravens Knowle, which lie at least 20m from the boundary of the lower platform housing. There is a difference in ground levels in this locality and I am satisfied that the development will not result in loss of privacy to neighbouring properties.
- 5.42.1 None of the proposed development will harm the outlook from the neighbouring properties, given the distance between buildings. Members will also note that there is no legal right to a view.
- 5.43 **Noise:** The ES indicates that the main source of noise from the development will come from road traffic noise, however, the impact of the noise on the nearest residential properties would be insignificant. Noise attenuation measures are proposed on the approaches to the bridge with the erection of 2m high acoustic fences. DHH considers that it would be desirable if the bridge and the main roads incorporated a “low surface noise” surface to further limit the impact. These matters should be dealt with by condition
- 5.43.1 The ES also indicates that the highest noise levels will be generated during the construction period, such as the piling for the bridge and engineering works within the site. The DHH raises no objection to the statements made within the ES and

requests that the developers apply under the construction noise provisions of the Control of Pollution Act 1974.

- 5.44 **Overhead Power Lines:** The development has two sets of significant overhead power lines traversing the application site from north to south. The ES establishes that background levels of Electro Magnetic Field exist under these lines. The applicant has taken a precautionary approach and ensured that no built development takes place within 48m of the 400Kv power lines and also none within 30m of the 132Kv power lines. This is in excess of the “buffer zones” required by Transco. Members will note the primary school has been moved to the east, away from the overhead power lines.
- 5.45 **Sterilisation of Mineral Reserves:** The ES considers that a small amount of low grade chalk exists in Peters Pit, and technically some could be recovered. The ES considers that planning permission would be unlikely to be granted and that if granted there is no end user. The applicant refers to Holborough Valley which also had a similar sized small reserve of chalk, where the Planning Inspector dismissed the sterilisation of chalk reserves immediately adjacent to a new cement works. KCC Strategic Planning consider that there may be alternatives, such as using materials for the crossing or stockpiling for other development needs in the Medway area. The proposed embankments for the Medway Valley Crossing will utilise chalk from Peters Pit as part of the general land regrading works. I consider it is highly unlikely that planning permission would be granted for such mineral workings outside the context of this application.

Medway Valley Crossing

- 5.46 The majority of the issues relating to the Medway Valley Crossing have been discussed above, however, the following points deal with the more specific nature of the development.
- 5.47 The provision of a combined vehicular, pedestrian and cycleway crossing over the River Medway is an allocation in the TMBLP 1998 and Medway Councils Local Plan. The principle of the bridge crossing is acceptable. However, the precise alignment of the crossing has moved to the north and includes land designation under policy P5/13 for industrial uses and the southern most edge of the Wouldham Marshes SNCI.
- 5.48 The applicant states that the road was realigned to include a small parcel of land previously designated for industrial uses (i.e., policy P5/13 land) just to the north of the original landfall of the bridge, in order to develop this site in a comprehensive manner. Whilst, the new realignment does result in part of the Wouldham SNCI being affected on the east bank, it removes the new crossing from the Holborough & Burham Marches SSSI on the west bank.

- 5.49 Nearly all of the application site for west bank works for the Medway Valley Crossing lies within Medway Council's jurisdiction. Only a very small part of the link to the Holborough Cement Works roundabout and part of the existing bridge over the Medway Valley railway line falls within TMBC jurisdiction.
- 5.50 The proposed crossing will unquestionably be a prominent feature in the local landscape, given the scale of the development, which itself has been accepted as part of the TMBLP 1998. In terms of the design of the bridge, it is a relatively simple two pier support bridge, with embankments on either side of the river. The bridge will be 14.3m wide stretching over the River Medway and the Medway Valley railway line. The eastern embankments will be formed by reducing land levels in the upper platform of Peters Pit. The bridge will stand approximately 11m above the River Medway and 5m above the track of railway line. The proposed embankments will be planted with native species to limit the visual impact of the development. It has been suggested that given the openness of the area, a more open crossing would be visually more acceptable given the marshland setting. Whilst there may be benefits to creating a more open crossing, there also needs to be balance in screening this substantial structure. Notwithstanding, the precise landscaping around the crossing can be conditioned by condition. In light of these circumstances, I am satisfied that the proposal will not significantly detract from the visual amenity of the locality.
- 5.51 Neither Network Rail nor Ports Authority has raised concerns over the bridge, subject to imposition of conditions.
- 5.52 It has been suggested by local residents that the bridge should not be subject to lighting as this will detract from the visual and rural amenities of the locality. Artificial lighting is controlled by policy P3/18 of the TMBLP 1998, however, the provision of lighting on the bridge is a highway safety matter and this would be a matter for KCC Highways to determine.
- 5.53 I note the strong requests from the BHS and BDS for the crossing to be designed to accommodate horse riders, by having a separate carriageway. Whilst it may well be desirable to incorporate such a facility, the policy requirement for the bridge only requires provision for vehicles, pedestrians and cyclists. Members will note that KCC Prow Office has not requested the inclusion of any bridleway facility across the proposed bridge. Therefore, the application is compliant with the TMBLP policies and Members are requested to consider the application as submitted.
- 5.54 In terms of the impact on the Wouldham Marshes SNCI, this involves the loss of approximately one hectare of reed swamp, wet grassland and scrub where the embankments and roads are to be constructed. Mitigation measures are proposed to provide new habitats, including scrub planting on the embankments along with a management scheme. KWT have been in discussions with the

applicant regarding these matters and following the submission of the Amplification of the ES, they now raise no objection.

- 5.55 The Holborough to Burham Marshes SSSI lie to the south of the Medway Valley Crossing on the west bank of the River Medway. The proposed crossing will not land in this nature conservation area and at this point is wholly within Medway Councils jurisdiction. It is noted that EN do not oppose the crossing in terms of its impact on this adjacent SSSI.
- 5.56 The **Environmental Statement** includes an appropriately detailed description of the application site and the developments and land uses proposed, both during and after construction. The ES covers all of the topics (human beings, flora, fauna, soil, water, air, climate, the landscape, the inter-action between any of the foregoing; material assets, the cultural heritage) set out in the 1999 EIA Regulations. I am satisfied that within the ES, the above topics have been adequately covered
- 5.57 Within each of the main Chapters, the ES sets out the existing situation or baseline conditions of the site and locality, the methodology employed, impacts of the development, including where appropriate, construction works, and mitigation and monitoring works where necessary.
- 5.58 Collectively, these topics effectively capture the potential impacts upon the environment in my view. They examine the likely impacts in terms of pollution that may result from the implementation/operation of the proposals and they cover the potential impacts upon population, fauna, flora, soil, water, air, climatic factors, historic and archaeological assets, the landscape and any inter-relationships between those factors.
- 5.59 The ES also includes mitigation measures aimed at ameliorating any areas of significant adverse effects that have been identified and it also identifies any difficulties, lack of knowledge or technical deficiencies encountered in its preparation. The applicant has submitted an amplification statement, which addresses a number of concerns raised by formal consultees.
- 5.60 A baseline has been established, impacts have been assessed and mitigation measures proposed. I am satisfied that there are no further impacts to be addressed in relation to the proposed development and that the ES is robust.
- 5.61 **Conclusions:** Whilst a number of matters remain unresolved, such as highways, flooding and the provision affordable housing, discussions with the relevant Authorities are continuing. However, in light of the impending Public Inquiry commencing on the 9 May 2006, the Borough Council needs to reach a resolved position as to how it would have determined the applications subject to appeal against non determination. Therefore, I recommend that Members resolve that subject to the three Highway Authorities raising no objections to the highway matters and the Environment Agency agreeing flood mitigation measures, the

Borough Council would support the applications for Peters Village and the Medway Valley Crossing subject to the imposition of appropriate conditions and the applicant entering a Section 106 Legal Obligation covering the matters as detailed above.

6. Recommendation:

A) TM/04/04322/OAEA:

6.1 **The SOS be advised that had TMBC been in a position to determine that application, it would have Grant Outline Planning Permission** as detailed by letters dated the 16 January 2006 and the 17 December 2004, Planning Assessment dated December 2004, Statement of Affordable Housing Provision at Peters Village dated December 2004, Peters Village Design Brief dated December 2004, Peters Village Transport Assessment dated 6 December 2004, Environmental Statement including Technical Appendices (3 volumes) dated December 2004, Environmental Statement Non Technical summary dated December 2004, Amplification of the Environmental Statement dated December 2005 and by site plan received on the 17 December 2004 subject to:

- Matters relating to highways, flooding and affordable housing being resolved
- The applicant entering into a Section 106 Legal Obligation as detailed in paragraph 6.7 below.
- The conditions as detailed in paragraph 6.8 below.

B) TM/05/00989/OAEA:

6.2 **Grant Outline Planning Permission** as detailed by letters dated the 16 January 2006 and the 30 March 2005, Planning Assessment dated December 2004, Statement of Affordable Housing Provision at Peters Village dated December 2004, Peters Village Design Brief dated December 2004, Peters Village Transport Assessment dated 6 December 2004, Environmental Statement including Technical Appendices (3 volumes) dated December 2004, Environmental Statement Non Technical summary dated December 2004, Amplification of the Environmental Statement dated December 2005 and by site plan received on the 17 December 2004 subject to:

- Matters relating to highways, flooding and affordable housing being resolved
- The applicant entering into a Section 106 Legal Obligation as detailed in paragraph 6.7 below.
- The conditions as detailed in paragraph 6.8 below.

C) TM/04/04323/FLEA:

6.3 **The SOS be advised that had TMBC been in a position to determine that application, it would have Grant Planning Permission** as detailed by letters dated the 17 December 2004 and the 16 January 2006, Medway Valley Crossing Transport Assessment dated 10 December 2004, Planning Assessment dated December 2004, Amplification of the Environmental Statement including Technical Appendices (3 volumes) dated December 2005, Medway Valley Crossing Design Statement dated December 2004 and by plans 4172 503, C18 (950)11 Rev P04, CRB (900) 004 Rev P01, c37 (950)23 Rev P01, C01 (950) 012 Rev P02, CRC (900) 002 Rev P01 subject to:

- Matters relating to highways, flooding and affordable housing being resolved
- The applicant entering into a Section 106 Legal Obligation as detailed in paragraph 6.7 below.
- The conditions as detailed in paragraph 6.8 below.

D) TM/05/00990/FLEA:

6.4 **Grant Planning Permission** as detailed by letters dated the 30 March 2005 and the 16 January 2006, Medway Valley Crossing Transport Assessment dated 10 December 2004, Planning Assessment dated December 2004, Amplification of the Environmental Statement including Technical Appendices (3 volumes) dated December 2005, Medway Valley Crossing Design Statement dated December 2004 and by plans 4172 503, C18 (950)11 Rev P04, CRB (900) 004 Rev P01, c37 (950)23 Rev P01, C01 (950) 012 Rev P02, CRC (900) 002 Rev P01 subject to:

- Matters relating to highways, flooding and affordable housing being resolved
- The applicant entering into a Section 106 Legal Obligation as detailed in paragraph 6.7 below.
- The conditions as detailed in paragraph 6.8 below.

E) TM/05/00585/A10:

6.5 **The SOS be advised that had TMBC been in a position to express our representations on the Article 10 notification, it would have been to raise no objections** as detailed by letters dated the 30 March 2005 and the 16 January 2006, Medway Valley Crossing Transport Assessment dated 10 December 2004, Planning Assessment dated December 2004, Amplification of the Environmental Statement including Technical Appendices (3 volumes) dated December 2005,

Medway Valley Crossing Design Statement dated December 2004 and by plans 4172 503, C18 (950)11 Rev P04, CRB (900) 004 Rev P01, c37 (950)23 Rev P01, C01 (950) 012 Rev P02, CRC (900) 002 Rev P01 subject to:

- Matters relating to highways, flooding and affordable housing being resolved
- The applicant entering into a Section 106 Legal Obligation as detailed in paragraph 6.7 below.
- The conditions as detailed in paragraph 6.8 below.

F) TM/05/01357/A10:

6.6 **Raise No Objections** as detailed by letters dated the 30 March 2005 and the 16 January 2006, Medway Valley Crossing Transport Assessment dated 10 December 2004, Planning Assessment dated December 2004, Amplification of the Environmental Statement including Technical Appendices (3 volumes) dated December 2005, Medway Valley Crossing Design Statement dated December 2004 and by plans 4172 503, C18 (950)11 Rev P04, CRB (900) 004 Rev P01, c37 (950)23 Rev P01, C01 (950) 012 Rev P02, CRC (900) 002 Rev P01 subject to:

- Matters relating to highways, flooding and affordable housing being resolved
- The applicant entering into a Section 106 Legal Obligation as detailed in paragraph 6.7 below.
- The conditions as detailed in paragraph 6.8 below.

6.7 **Section 106 Legal Obligations:** Given the nature of these applications and the impending Inquiry, the precise detail of the matters to be covered by Section 106 Obligations will be subject to detailed discussions as part of the Inquiry process. Therefore, I have sought to list the matters we would seek to have included in any Obligations.

- Provision of affordable housing;
- Provision of primary school;
- Provision of community centre to meet the needs of the Primary Health Centre Trust and other parties;
- Provision of management programmes to manage Peters Pit SSSI, Peters Pit cSAC and Wouldham Marshes SNCI;
- Provision of a scheme for the management and interpretation of archaeological finds and remains;
- Provision of management scheme for the public open spaces;

- Any reasonable highway contributions sought by either the Highways Agency, KCC Highways or Medway Council;
- Contributions towards libraries;
- Contributions towards adult education;
- Contributions towards youth and community;
- Phasing triggers.

6.8 **Conditions:** Given the nature of these applications and the impending Inquiry, the precise wording will be subject to detailed discussions as part of the Inquiry process. Therefore, I have sought to list the matters we would be seeking to control by condition:

- Contamination;
- Foul and surface water drainage;
- Nature conservation (including, bats, great crested newts, water voles, reed bed habitat, etc) (in line with EN, EA and KWT);
- Archaeology (in line with KCC Heritage);
- Provision of riverside footpath, with links to the crossing;
- Compliance with master plan and design briefs;
- No more than 150 dwellings occupied prior to the Medway Valley Crossing being opened;
- No dwellings occupied until Court Road and Pilgrims Way highway improvements carried out;
- Details of crossings between new and realigned roads with Prows;
- Details of diversions of Prows;
- Network conditions regarding proximity to railway line;
- All uses ceasing on Peters Works site;
- Details of finished floor levels;
- Parking provision;
- Refuse storage;

- Landscaping and tree surveys;
- Pedestrian visibility splays;
- Turning areas;
- External lighting;
- External materials;
- Details of riverbank piling;
- No vehicular access to adjacent local roads from either Peters Pit and Peters Works than as currently detailed;
- Detailed contoured site plan of the levels for the platforms;
- Detailed layouts of public open space, children's play areas and formal play areas;
- Retention, interpretation and management of the geological important exposed chalk faces;
- Implement noise mitigation measures;
- Roads to be fitted with low noise surfaces;
- Any conditions as may be requested by EA covering flood mitigation;
- Any conditions as may be requested by the HA, KCC Highways or Medway Council.

Contact: Aaron Hill