

**East Malling and  
Larkfield, Aylesford,  
Ditton**

**9 March 2026**

**TM/24/00372/OAEA**

East Malling West Malling  
and Offham, Aylesford  
South and Ditton

**Proposal:** Outline planning application with all matters reserved (except for access, which is to include the Sustainable Movement Corridor from New Road East Malling to Kiln Barn Road) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development of up to 1,300 dwellings including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including demolition of existing vacant buildings. Application supported by an Environmental Statement.

**Location:** Land east of Kiln Barn Road and west of Hermitage Lane Aylesford

**Go to:** [Recommendation](#)

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## **1. Description of Proposal:**

1.1 Planning permission is sought in outline form with all matters reserved for future consideration with the exception of access, which is to be determined at this stage and includes the section of the proposed sustainable movement corridor between Kiln Barn Road and New Road, East Malling. The proposed development comprises:

- The erection of up to 1,300 dwellings (of which 25% would be affordable due to issues of viability)
- The potential for care accommodation
- A two-form entry primary school
- A local centre with community uses
- A central formal open space and other areas of open green spaces and play areas
- A retained public right of way network
- A biodiversity net gain of 10%

- A sustainable movement corridor (SMC) through the residential element of the site and linking to East Malling with a sustainable bus, pedestrian and cycle link
  - New tree planting and retention of existing trees and hedgerows wherever possible
- 1.2 In addition, parameter plans which will guide the detailed design of the scheme (the reserved matters), in the event that outline planning permission is granted, have been put forward as set out below.
- 1.3 A land use parameter plan has been provided setting out the areas of residential development, the central location of the primary school, the position of the mixed use area towards the eastern end of the site – closer to Barming railway station, the position of Ancient Woodland and the proposed minimum 20m buffer, as well as the SMC and areas of open space and landscaping.
- 1.4 An access and circulation parameter plan has been submitted identifying the areas of development, the areas of open space and landscaping, the SMC and local highway improvements.
- 1.5 A green and blue infrastructure plan has been submitted, which provides greater detail to the two plans referred to above, and indicates the areas of public open space and drainage along with the developed areas, primary school, Ancient Woodland and minimum 20m buffer.
- 1.6 A density parameter plan has been submitted setting out the differing densities for the proposed residential development across the site. The majority of residential development is proposed to be provided at a density of 30 dwellings per hectare (dph), with areas of 40dph and 65dph located within and around the mixed-use area of the development.
- 1.7 Lastly for the parameter plans, a building height parameter plan has been provided, with the majority of buildings proposed to stand at two and two and a half storeys in height. In certain key areas, landmark buildings will be positioned with a height of three and four storeys proposed, for example in the mixed-use area of the site.
- 1.8 Since access is a matter for consideration of this application, the application is accompanied by several drawings providing detailed layout of points of access between the site and the existing highway network, and also of the proposed SMC.
- 1.9 The points of access include the two proposed on to Hermitage Lane to the east, the realignment and new junctions along Kiln Barn Road, the proposed bus gate to the west of Kiln Barn Road, the layout of the western section of the SMC, the

junction between the SMC and New Road to the west and also the junctions between the SMC and the existing network of public rights of way.

- 1.10 The bus gate will be designed to only allow buses to pass along the road that forms part of the SMC. Vehicular access to the East Malling Trust research site will continue to be from New Road to the west. Any vehicles passing through the bus gate will be observed by the CCTV / ANPR cameras installed to monitor this, with Kent County Council (KCC) being responsible for enforcing the bus gate through the issuing a penalty charge notice to the vehicle owner.
- 1.11 Finally, illustrative drawings of how the development could be laid out and landscaped are provided. Since these are illustrative, they do not form part of the basis of the Council's decision. However, they are helpful in understanding how the development could be set out and landscaped when it comes to the submission of the necessary reserved matters application.
- 1.12 In accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regulations) the applicant has submitted an Environmental Impact Assessment (EIA) with the application. This is because the proposals fall within paragraph 10(b) of Schedule 2 of the EIA Regulations. The reporting of the EIA is in the form of an Environmental Statement (ES), which covers the following topics:
- Transport and Access
  - Air Quality
  - Noise and Vibration
  - Landscape and Visual Impacts
  - Ecology and Biodiversity
  - Water Quality, Hydrology and Flood Risk
  - Soils, Geology, Contaminated Land
  - Waste Management
  - Archaeology and Heritage
  - Socio-Economics, Population and Human Health
  - Climate Change

1.13 In addition to the ES, the following documents have also been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Preliminary Ecological Appraisal
- Biodiversity Net Gain Assessment
- Tree Survey and Arboricultural Impact Assessment
- Framework Ancient Woodland Management Plan
- Heritage Statement
- Archaeological Evaluation Report
- Historic Landscape Assessment
- Floor Risk Assessment and Drainage Strategy
- Minerals Resource Assessment
- Statement of Need of Sustainable Movement Corridor
- Viability Report
- Statement of Community Engagement
- Energy Statement
- Sustainability Assessment
- Agricultural Land Quality Report

## **2. Reason for reporting to Committee:**

2.1 This application is reported to the Area 3 and Area 2 Planning Committees given the scale of the development, the strategic nature of the proposals, and due to the fact that the site lies within both Planning Committee Areas.

2.2 The application has also been called in by Cllr Roud, Cllr Cannon, Cllr Hammond and Cllr Williams for the following reasons:

- Due to the sheer size and density of the proposed development which will have a significant impact on the Aylesford South and Ditton ward and its surrounding area.
- Associated access and highway issues.
- Impact on the character of the area.
- Loss of trees and ecological habitats.
- Over development of this area will have a detrimental effect on the villages of East Malling and Ditton.
- It will produce excessive traffic movements in East Malling, West Malling, Ditton, Watringbury and Teston. Watringbury crossroads is the worst area of Air Quality in the Borough.
- Reduces the current Green Space between the settlements of Maidstone and East Malling.
- The proposal is on land which is mostly Grade 2 which according to the Agricultural Land Classification (ALC) is very good quality land, suitable for a wide range of crops. Since the country should endeavour to grow more food, we should not be promoting building on green field sites.
- All proposed accesses to this site would lead to further traffic congestion with drivers heading to the M20 motorway.
- When this area was put forward in the TMBC rejected Local Plan the officers agreed that NO access was to be made to the West of the development in order to protect Ditton and East Malling and the surrounding countryside from excessive traffic congestion. The suggestion was to exit onto Hermitage Lane and Quarry Wood Industrial Park.
- The proposed road through the East Malling Research land will open this area for future development which will exacerbate the over development of the area and further reduce the Green Space between Maidstone, Ditton and East Malling.
- The proposal will require demolition of listed walls where it exits onto New Road, East Malling.
- The developers obviously have not identified the area correctly since they believe Chapel Street to run East/West through the Research Facility when in fact it runs North/South beyond the Railway through the village of East Malling.
- The proposed housing site is contrary to the current Local Plan

**3. The Site:**

- 3.1 The site is located between Ditton to the north, Maidstone to the east, East Malling to the west and the railway line between Barming and East Malling to the south and has an irregular shape covering just under 80 hectares.
- 3.2 The site is indirectly accessible from the strategic road network via the M20 and rail services to London and Ashford are provided by East Malling and Barming train stations, located within close proximity to the site.
- 3.3 The land within the application site largely follows the existing internal access road within the East Malling Estate, and comprises research fields, orchards, and the buildings and glass houses that make up part of the East Malling Research Campus.
- 3.4 To the east of the site of the proposed residential development is a distribution depot, Barming train station and residential development currently under construction all off Hermitage Lane. To the north of the site of the proposed residential development is the Quarry Wood business park. The levels of the business park lie below the site to the east and rise above the site to the west. To the west of the residential development site are the open fields and the East Malling Research Campus. There is established residential development at 'Orchard Gate', which borders part of the western area of the proposed residential development. To the west of the western element of the SMC is New Road and the existing development within East Malling
- 3.5 There are existing public rights of way (PROW), including a bridle way, that cross the site and will be retained within the layout of the proposed development.

**4. Planning History (relevant):**

24/00392/LB

Pending consideration

8 May 2024

Listed Building Consent Application: Proposed partial demolition of a section of curtilage listed boundary wall to support the widening of the internal estate road access point with New Road

23/01418/EASP

EIA required

22 December 2023

Request for an EIA Scoping Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as Amended)

22/00134/FL

Approved

18 May 2022

Demolition of existing bungalow and ancillary structures, upgrading and widening of existing estate access road along with associated amendments to boundary wall, erection of two new 2 storey dwellings (Use Class C3), car ports, landscaping and associated hardstanding

22/00135/LB

Approved

18 May 2022

Listed Building Application: Proposed partial demolition of a section of curtilage listed boundary wall in connection with planning application TM/22/00134/FL: Demolition of existing bungalow and ancillary structures, upgrading and widening of existing estate access road along with associated amendments to boundary wall, erection of two new 2 storey dwellings (Use Class C3), car ports, landscaping and associated hardstanding.

**5. Consultees:**

- 5.1 **Aylesford Parish Council** (08/05/24) - At the Parish Council Planning Committee meeting held on Tuesday 7 May 2024 the Council Agreed to raise a Strong Objection to TM/24/00372/PA - Development Site Land East of Kiln Barn Road and West of Hermitage Lane – Outline application with all matters reserved (except for access) for development of land to west of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development including affordable housing; a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure. Application supported by an Environmental Statement.
- 5.2 The Parish Council agrees with and fully supports the report and Traffic Assessment submitted by Ditton Parish Council.
- 5.3 Aylesford Parish Council is very concerned about the increase in traffic in Hermitage Lane and the surrounding roads as this area is already at breaking point. The proposed development will inevitably create high levels of traffic movement and would have a negative effect on the free flow of traffic as the area will become gridlocked, especially at peak times. There is also the issue of air quality, pollution and the detrimental effect this will have on residents due to standing vehicles stuck in traffic.
- 5.4 **Aylesford Parish Council** (09/01/25) - It was Resolved to raise a Strong Objection and to fully support the comments made by Ditton Parish Council.
- 5.5 **Ditton Parish Council** (17/04/24) - Please see below Ditton Parish Council's initial objections to this application. Please note this document is the initial response in order to register the Council's objections within the very short deadline given. Ditton Parish Council is continuing with requests for information but due to the time required for other organisations to respond, we are unable to include more at this time and trust that when we do provide this information it will be given the weight it deserves.
- 5.6 Ditton Parish Council held a public meeting for local people and over 240 attended, demonstrating there is a great public interest in this application.

### Summary

5.7 Ditton Parish Council (DPC) strongly objects to the planning application, as specified, in the following areas of concern:

1. Loss of Privacy
2. Overshadowing and Overlooking
3. Adequacy of parking
4. Highway safety
5. Traffic Generation
6. Noise Dust and Air Pollution
7. Impact on Conservation Area(s)
8. Facilities
9. Intrusion into the countryside
10. Public Rights of Way (PRoWs)
11. Archaeology
12. Tree Protection Order / Species Protection
13. Water Usage and Sewage
14. Hazardous Waste and Contaminated Ground

The council's objections are described in more detail below.

#### 1 Loss of Privacy

5.8 DPC is concerned that the development of Orchard Gate in Ditton (developed in 2010 – 2012) will be subject to a significant loss of privacy from the proposed development on three sides. When the development was considered (and approved) Ditton Parish Council asked questions about future development and was assured that there were no plans to further develop on that (the East) side of Kilbarn Road. This loss of privacy is a detrimental effect on people living in properties which were considered to be at a premium rural location with no overlooking properties.

5.9 DPC strongly believes that residents of Orchard Gate will face considerable additional traffic from this development and these small Cul-de-sacs will be

enveloped and absorbed within a large estate, which was not expected in the original design, to the detriment of the existing residents.

### 2 Overshadowing and Overlooking

- 5.10 Ditton Parish Council believe that properties in Orchard Gate will face being overlooked by three sides of the proposed development. The design of this estate never factored being overlooked and despite gaps planned for, we believe that the houses will be overlooked to a detrimental effect to those already living in this area.

### 3 Adequacy of Parking

- 5.11 Ditton Parish Council has little confidence in the analysis completed by Tonbridge and Malling Borough Council and Kent County Council on the parking solutions being proposed. Historical evidence of the past twenty years has shown these analyses have consistently facilitated the delivery of poorly designed road and parking schemes including: Brampton Fields, Ditton; Holborough Lakes, Snodland; and Leybourne Chase, West Malling; which have all delivered inadequate parking and consequential traffic problems.
- 5.12 DPC believes that the current development's plan fails to include a realistic number of cars/vans per household. Further, the plan does not include sufficient opportunities to park cars/vans off the road.
- 5.13 DPC believes, having read the travel plans and the detailed reports, that there has been no serious consideration of the additional traffic essential for servicing the new development. For example, the development will be a major attractor for traffic arising from: supermarket deliveries; take-away food deliveries; on-line retailers such as Amazon; as well as traditional services such as: Royal Mail, Milk deliveries, etc. These delivery vehicles will need to park, albeit temporarily, on the development throughout the day as well as during the evenings and early mornings when the residents are at home, and the residents' vehicles are parked on the development. DPC do not believe that the accommodation of realistic quantities of delivery vehicles has been accurately reflected in the modelled simulations and consequent design.
- 5.14 Ditton Parish Council, again from experience, are aware that a proposed school will result in significantly more traffic than predicted. The primary driver for traffic arises because staff do not live within a walkable distance, which is exacerbated by the teacher shortages faced by Kent schools. There is also no submitted proposed travel plan which is expected from schools. DPC is aware from experience of Ditton Infant School, Ditton Junior School, Valley Invicta at Aylesford, Aylesford School, Malling School and Wrotham School that there is a lot of vehicle traffic on drop off and pick up. This includes traffic arising from those living in "walkable" areas – including estates (such as at Kings Hill). The proposal does not include adequate parking provision for this foreseeable demand

4 Highway Safety

- 5.15 The current proposed design has allowed for a new B Road to be formed, linking Kilnbarn Road to the A20 through this planned development via the “Poppies” development, under construction, to the East of Hermitage Lane. This new B road joins the A20 at the A20 Poppy Fields (aka 20/20) roundabout and provides a new alternative route which will be available for people to use instead of the A20. The traffic modelling shows that this will result in an increase of traffic in Ditton on Kilnbarn Road, thence New Road Ditton neither of which were designed for these increased levels of traffic, on top of that which would be expected from the development itself. This greatly increased traffic will increase the risk of accidents and collisions between vehicles, vehicles and two-wheeled vehicles and pedestrians including the cohorts of children attending the schools accessed from New Road, Ditton.
- 5.16 A further accident hazard will accrue from traffic heading South along Kilnbarn Road to access Red Hill (and the A26 at Wateringbury) via Easterfields and Sweets Lane. These roads form a continuous single-track lane with high hedges and passing places over much of its length, and two blind bends, one at the junction with Rocks Road.
- 5.17 DPC specifically noted that the traffic modelling significantly underestimated<sup>2</sup> the existing peak traffic on this well-used route, as shown in Figure 1 below.

Origin-Destination Data					
Demand (PCU/hr)					
		To			
		A - New Link Road E	B - Kiln Barn Road S	C - New Link Road W	D - Kiln Barn Road N
From	A - New Link Road E	0	0	0	211
	B - Kiln Barn Road S	0	0	0	15
	C - New Link Road W	0	0	0	0
	D - Kiln Barn Road N	61	10	0	0

Figure 1 AM Peak traffic assumption, reproduced from Transport\_Assessment\_Vol\_5\_-\_Multi\_Modal\_Assessment.pdf

- 5.18 The developers proposed new junction arrangement will add delays to this route (in both directions) as the traffic exiting the development to head North will have priority over the extant and well-used North-South route. This change in priority is likely to increase the number of vehicle collisions at this junction.
- 5.19 The plans to prohibit vehicles from the new development from turning South at this junction, whilst allowing the existing North South traffic to flow, by signage only is unlikely to succeed. The North-South route is already very busy in the morning and evening rush-hours and any additional traffic will disproportionately increase the probability of head-on accidents.

- 5.20 Whilst Ditton Parish Council approve in principle of the increase in footpaths and cycle lanes, we notice that the proposal does not guaranteeing the funding to complete the work. DPC is aware of the promises linked to Brampton Fields and dedicated funding for a purpose-built entrance. We are also aware that the funding from the Orchard Gate development for the proposed footpaths from that site to the extant paths in Ditton never materialised either. We are therefore objecting to the plans on the grounds that there exists no hypothecated funding, which the council believes is imperative to reduce pedestrian/vehicle and two-wheeler/vehicle collisions and deliver these road safety measures on Kiln Barn Road.
- 5.21 Ditton Parish Council expects an increase of accidents due to the planned reduction in width of Kilnbarn Road/New Road at the approach to Ragstone Court<sup>4</sup> due to cycle lanes. The road being proposed is not designed to be widened; but vehicles encountering cycles coupled with narrowness could result in higher rate of accidents occurring. The enhanced hazard to cyclists by narrowing the road continues onto the start of New Road, Ditton.
- 5.22 Ditton Parish Council is concerned that the development is between two railway stations which are not main stations with regular services both ways (see section 5.2). This promotion of green travel and consequent reduction in road traffic, is not in line with the current offering in the area.

#### 5 Traffic Generation

- 5.23 Having reviewed the traffic analysis, DPC is concerned that there are false assumptions and many material errors. DPC have also found typographical errors indicating that the supporting reports have not being suitably checked, particularly with respect to cross-references<sup>9</sup>.
- 5.24 DPC is concerned that the analysis shows small, unsuitable roads (such as St Peters Road and Bradbourne Lane) holding large numbers of queueing cars diverted from the more direct route of: New Road, Ditton. St Peters Road and Bradbourne Lane are residential roads with a mandatory width restriction, which do not support the free passage of vehicles due to the residents' parked cars; and are already subject to congestion during the morning and afternoon peaks.
- 5.25 DPC is concerned that the proposed design drawings of Kilnbarn Road/Link Road junction do not appear to correspond to the stated modelling assumptions. The analysis suggests that no access will be possible from the new link roads onto Kilnbarn Road South, but this is not supported by the drawing.
- 5.26 Further, the traffic analysis of Kilnbarn Road only considers a peak of 10 Passenger Car Units (PCU) per hour for traffic travelling South and 15 PCU / hour peak heading North, at morning peak. This route already carries far more PCU than this. Indeed, other studies on the TMBC planning portal have indicated that a development of only 50 homes exiting onto Kiln Barn Road further North than this

proposed development, will generate an additional North-South Traffic flow of more than 10 PCU on this route.

- 5.27 DPC would ask reference be given to two surveys carried out locally to give actual figures of the number of vehicles using the routes of particular concern:-
- 5.28 Firstly the objection submitted by Mr R Wareham on 16th April 2024 between 6.00am – 9.30am. Mr Wareham surveyed traffic on Easterfields which leads to Sweets Lane and Rocks Road and counted a total of 153 road users, the data in the application estimates the road users to only be 25 so this is far below the actual number using this road now, without further development.
- 5.29 Secondly the objection submitted by Mr G Roach on 16th April 2024. Mr Roach surveyed traffic on New Road, Ditton. Again this actual current data disputes the lower figures suggested in the data submitted by the applicant.

#### 5.1 Road Traffic

- 5.30 DPC is concerned, from inspection of the analysis methodology supplied, that the predictions of traffic expected as a result of this development may be an underestimate. Even so, the predicted traffic flows result in junction saturation, leading to increased congestion (See Annexes A and B).
- 5.31 DPC see within the traffic prediction model a reliance of unsuitable roads such as St Peters Road, which feeds into Bradbourne Lane, both of which are not wide enough to reflect the increase of traffic; and which regularly have parked vehicles along their length. Bradbourne Lane also has a 6'6" width restriction and a blind brow, with no footpath at that point. We are also aware of poor pedestrian visibility on Bradbourne lane, particularly from the new footpath added to accommodate the new Lidl store; and the egress from the public footpath onto Bradbourne Lane.
- 5.32 Ditton Parish Council note the KCC Modelling Advisory Service large-scale model significantly underestimates the traffic to and from East Malling (over 20% in some cases). There have not been and there are no known future plans to deal with traffic generated from this development, under scenario 3, adding to the already saturated flow through East Malling village centre. DPC accepts the developer's findings that the access road from Kiln Barn Lane to New Road, East Malling will: offer no additional support to East Malling traffic; will not work due to saturation of the village roads; and is not a plausible viable option.
- 5.33 Ditton Parish Council find the projected increase of traffic on Kiln Barn Road at 811% to be completely unacceptable. DPC also noted that the traffic generated from the 300 property housing development at Ditton Edge already being built, that discharges traffic solely onto that road had not been identified in the analysis. DPC is concerned that the projected increase is actually an underestimate. Ditton Parish Council find the increase traffic of St Peters Road, a residential road to be

unacceptable – and the suggestions that the project will encourage rat runs to avoid large chunks of the a20.

- 5.34 Ditton Parish Council is concerned that the plans for improving the A20 have not been completed and there are currently no proposed plans in place to complete the works that were originally promised.
- 5.35 Ditton Parish Council is concerned about the Hermitage Lane developments which have also not been considered in the analysis. Hermitage Lane has experienced large traffic problems for the last few years which the traffic analysis has not considered. The road is the main route for Ditton's residents to Maidstone Hospital. DPC is aware of delays to emergency ambulances travelling on this road, even when showing blue lights and sounding their sirens.
- 5.36 The proposal shows that traffic from the development is linking up to existing plans for a roundabout for a new development to the East of Hermitage Lane. This surely admits that the traffic issues from the housing developments is accepted by Kent County Council and Tonbridge and Malling Borough Council.
- 5.37 DPC is aware that there are plans to improve the J5 and J6 of the M20 to improve traffic flow. These improvements will be short lived due to the additional housing already under construction that will result in the capacity being filled in again.

#### 5.2 Mitigation – Trains

- 5.38 The current proposals for reducing road traffic over the medium to long term includes the utterly implausible suggestion that the local train operator, SE Trains Ltd, double the number of services, at peak times, that stop at Barming station:
- 5.39 *The station [Barming] currently operates a half-hourly service in both directions during peak periods and hourly off-peak. For the purposes of this TA, it is envisaged that, as a minimum, the peak hour services will be increased to every 15 minutes to cater for additional demand derived from the development.*
- 5.40 This is such an improbable suggestion that the inclusion of this statement further reinforces the view that the transport assessment modelling is flawed.

#### 5.3 Mitigation – Buses

- 5.41 The current proposals discuss the ability of new and enhanced bus routes to reduce traffic generation from the development.
- 5.42 *The specific [bus] routes and service frequencies will be determined by KCC at the appropriate time, however, for the purposes of this TA it has been reasonably assumed that there will be an increase in peak hour services which will provide increased opportunities for travel by bus between the site and surrounding key employment and/or education hubs. In particular, it is anticipated that service*

*provision to/from Maidstone, Kings Hill and along the A20 corridor will be markedly improved.*

- 5.43 These plans are reliant on private enterprises being able to justify a new commercial route or additional services. The commercial justification for new routes, or greater frequency of services, to serve this development is implausible, and it would need to be subsidised. Funding from other sources, in part or fully is not credible in the medium to long term.
- 5.44 KCC submitted their Bus Service Improvement Plan with a bid for £213m; but were actually granted £35.1m. The consequence of this was a county-wide reduction in bus services and routes particularly for school users, some being cut completely. Examples include Aylesford School and Wrotham School who have both experienced bus restrictions. DPC is also aware that some Parish Councils are now subsidising routes for areas such as Ightham, Trottiscliffe, and Offham.

#### 6 Noise, Dust, and Air Pollution

- 5.45 DPC is aware of evidence seen by Tonbridge and Malling Borough Council over the past 20 years that Ditton Corner (Junction between New Road/A20/Station Road) was one of the most polluted areas in Kent. We are also aware that all monitoring units were removed over the past ten years which means up to date data are not available to support or argue against any plans on the grounds of measured pollution levels.
- 5.46 DPC is aware of housing developments such as those on Kiln Barn Road which are in compliance with noise and dust levels. We are however constantly aware of the levels being not acceptable to those that are living close to the developments, with dust being a persistent nuisance in the summer months.
- 5.47 DPC is concerned that airborne pollution and in particular dust will have an adverse effect on the broad leaved plants within the Ditton Quarry Local Nature Reserve (LNR), which lies to the north of the proposed development.
- 5.48 Noise of the construction was graded as a 'major' impact to local residents in the environmental study and contradicts the low concerns that reports highlight. This may be intolerable to residents of Orchard Gate.
- 5.49 Ditton Parish Council note the Defra Damage cost calculation tool with the calculations suggesting £376,10021. As the cost of mitigation will be higher than this figure – no mitigation is expected. This is unacceptable to the residents that will be affected from this.
- 5.50 We are concerned that light pollution will affect a known dark-sky area used for star gazing due to the lack of artificial lighting. DPC noted that the checks on sky glow were done on a cloudy night and the observers would have been unable to note the value this area has.

### 7 Impact on Conservational Area(s)

- 5.51 An associated planning permission application. The plan is to demolish parts of the brick wall on the East side of New Road, East Malling. This wall is part of the curtilage associated with the Grade one listed building that is on the estate. This junction widening forms part of the junction of the access road with New Road, East Malling.
- 5.52 The planned road safety improvements in New Road, Ditton would require changes of use and groundworks on land that does not belong to Tonbridge and Malling Borough Council or East Malling Research. This land has protected village green status, lies within the Ditton Conservation Area, and could not be used for cycle lanes.

### 8 Facilities

- 5.53 Ditton Parish Council contest the view of Kent County Council assessment that another primary school is required. The recent educational reviews suggest the fall in PAN numbers will continue. Schools such as St Katherines have shut a third of available classrooms over the past few years.
- 5.54 The reports highlight that local doctors are still able to take patients. We believe this is linked to an increase of patient per doctor ratio that has been allowed by the NHS. DPC is also aware that St Peters Village and Leybourne Chase provisions for GP surgeries have not been taken up. There is therefore a shortfall of GP provision in this area.
- 5.55 DPC is concerned that the inclusion of shops / restaurants will act as an attractor to traffic, and increase traffic flows into and out of the development. This is potentially worse if it increases the number of local take-away options. DPC have noted the detrimental effect on litter from existing facilities such as McDonalds; and these takeaways have generated additional traffic from delivery drivers. DPC is also aware of issues such as increased traffic heading to and from popular restaurants such as Papas' Barn following their rebuild in the past 15 years.

### 9 Intrusion into the countryside

- 5.56 This development represents a Change in Landscape Character at the local scale from horticulture and orchards to an urban area.
- 5.57 Recently the Area 3 section of the borough has seen considerable housing developments, occurring at a faster rate, than the other two areas of the borough. This development plan is counter to the existing aims and philosophy of Tonbridge and Malling Borough Council cabinet for all the borough to share housing.
- 5.58 Further, this development plan if implemented would allow a tenth of all planned housing for TMBC to land within a single Parish Council.

Loss of Good Quality Agricultural Land

- 5.59 This development is contrary to TMBC Sustainability Assessment Objective 9: (To conserve and enhance soil resources and guard against land contamination).
- 5.60 The developer’s Agricultural Land Quality assessment confirms that this development would result in the loss of 62.3ha of “Very Good” (Grade 2) and “Good” (Grade 3a) quality arable land.

**Table 1: Areas occupied by the different land grades.**

<b>Grade/subgrade</b>	<b>Area (ha)</b>	<b>% of the land</b>
<b>Grade 2</b>	51.9	81
<b>Subgrade 3a</b>	10.4	16
<b>Non-agricultural</b>	1.6	3
<b>Total</b>	<b>63.9</b>	<b>100</b>

Grades defined in: Ministry of Agriculture, Fisheries and Food Agricultural Land Classification of England and Wales

10 Public Rights of Way

- 5.61 The development plans will have a major adverse impact upon the amenity value provided by the existing public rights of way. The current Public Rights of Way allow residents to have pleasant views across agricultural farmland and horticultural fruit production.
- 5.62 The developer has identified this loss of amenity:
- 5.63 *In the short term it is judged that for those PRow that cross the main site east of Kiln Barn Road there would be a major adverse impact upon the amenity value associated with these PRow first as a result of the construction activity and then in the medium term by the permanent altering of the views from these sections of PRow which currently experience pleasant views across open agricultural farmland and horticultural fruit production.*
- 5.64 The impact of this development would be to downgrade these pleasant views to a largely urban landscape.
- 5.65 Further, The PRowS crossing the development are some of the very few places locally where light pollution is low enough to see the stars of the night sky, and our own galaxy, the Milky Way. DPC note that these PRowS permit public access to

an “intrinsically dark landscape” 24 that supports habitats for native nocturnal animals and permits visibility of the stars. Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light and which require protection from light pollution; and where any new lighting would be conspicuously out of keeping with existing local nocturnal light levels.

- 5.66 This amenity would not have been detected by the developer as they undertook their study on a cloudy night! DPC believe that this dark sky area is a valuable amenity that is highly valued to those who go out on clear nights to see the stars.
- 5.67 DPC believes that the light pollution arising from this development is contrary to national, planning policy, and government circulars, will be harmful to native nocturnal wildlife, and will prevent enjoyment of the night sky.

### 11 Archaeology

- 5.68 Ditton Parish Council objects to this proposal because of the risk of damage to archaeological sites that within the development boundary. This is also recognised by the developers:
- 5.69 The Proposed Development lies in an area of archaeological potential, especially for the Palaeolithic and Bronze Age periods within the Main Site and the Romano-British period in the Access Site. Foundations and other groundworks in this area have the potential to disturb and destroy archaeological heritage assets; destruction of a high significance receptor constitutes a long-term, substantial adverse effect.
- 5.70 DPC is aware of the remains of the Roman Villa adjacent to St James the Great church near the Access site.
- 5.71 Lidar imagery of the Main Site, and satellite imagery (especially from 2003), suggests there may be a prehistoric (Bronze Age) ring ditch or round barrow within the site boundary to the immediate west of Dog Kennel Wood.
- 5.72 The development site has been largely unchanged for centuries a fact that is accepted by the developers:
- 5.73 *The general setting of the Main Site is within an unlisted historic landscape relating to postmedieval woodland and agriculture. The landscape and the changes to it over time, provide historic information, and should be conserved.*
- 5.74 The developers propose “sensitive lighting”, including the use of low glare fixtures, appropriate positioning, appropriate brightness and consideration to the orientation and optical qualities of the beam, will minimise the effect of the illumination of the Access Site on nearby Listed Buildings in the Conservation Area and on designated views of the historic landscape.

### 12 Tree Protection Order / Species Protection

- 5.75 DPC is concerned about the effect on the ancient woodland. The proposed 15-meter gap might still result in damage to a historical woodland.
- 5.76 Ditton Parish Council note there are there are several trees, group of trees and woodlands on the site which are the subject of a Tree Preservation Order. The TMBC Order References are as follows:
- Woodland TPO 80/10069/TPO dated 7/3/1980.
  - Area TPO 76/10068/TPO dated 14/4/1977.
  - Various TPO 86/10051/TPO dated 22/5/1986.
  - Individual TPO 72/10084/TPO dated 10/5/1972.
- 5.77 DPC is concerned that the development will cause the destruction of many trees including five mature pendulate oak trees. One of these is a tree of high quality with an estimated remaining life expectancy of at least 40 years; while the other four are trees of moderate quality with an estimated remaining life expectancy of at least 20 years, in their current condition. Mature oak trees are recognised as a haven for 2,300 wildlife species, providing vital spaces to eat, shelter and breed; and their loss to the local wildlife will be significant. Replacement planting of young oak trees will not provide significant mitigation over the short to medium term.
- 5.78 There is one confirmed and 3 other trees that have the potential to be homes for Bat species; and DPC is aware that two properties on the development due to be demolished are also currently housing for bats.
- 5.79 The reports confirm there are eight species of bat currently living on the site that would be adversely affected by the planned development. The reports also highlight a range of other animals living on the site including dormice, deer, fox, hedgehogs, stag beetles, and a variety of birds.
- 5.80 There is the potential for adverse impacts due to damage to habitat and the loss of certain animals during the clearance works. Long term effects include the introduction of stray light and glare onto bat foraging sites and corridors, as a result of lighting.
- 5.81 The developer has recognised the impact of this development on habitats of principal importance within the site boundary as follows:
- 5.82 *.....there are some Habitats of Principal Importance (HPIs), which are of ecological value. The Application Site provides foraging habitat and shelter for a range of common and protected species. In addition, part of the site is noted as Deciduous Woodlands HPI and Ancient and Semi-natural Woodland HPI. Temporary disturbance from the construction phase (such as increased noise, dust generation, lighting and increased human activity) could have an adverse impact on these habitats and there could be accidental damage from machinery*

- 5.83 DPC is concerned that this development will result in loss of wildlife habitat over the short to medium term, from which the native fauna will never recover.
- 5.84 The development is in an intrinsically dark landscape where any new lighting would be conspicuously out of keeping with local nocturnal light levels. DPC believes that the light pollution arising from this development is contrary to national, planning policy, and government circulars, and will be harmful to native nocturnal wildlife.

### 13 Water Usage and Sewage

- 5.85 DPC is concerned on the levels of flooding that have occurred on the last few years including on the A20 and surrounding roads. The naturally permeable soakaway provided by the site will be lost if built upon.
- 5.86 DPC is concerned that there are no plans for additional reservoirs to cope with the increased demand from the new housing for potable water; and the now regular reliance on the cutting of water usage to meet the future requirements.
- 5.87 Ditton Parish Council is also aware that the sewage developments in Kent are not coping with the current demand and have seen regular and routine sewage leaks. To minimise risks to the public, the infrastructure to deal with domestic waste from this development must be in place before the buildings are occupied.
- 5.88 At present, while the Ditton Waste Water Treatment Works could potentially deal with the effluent from this development; the fundamental issue appears to be how this effluent actually gets to the water treatment plant. The developer implies that the existing 150mm foul sewer in Kilbarn Road together with the existing foul sewer in Hermitage Lane will successfully accommodate the foul effluent from 1300 additional homes as well as all the other developments around Hermitage Lane. However, Southern Water have confirmed that
- 5.89 *“there is currently inadequate capacity within the foul sewerage network to accommodate a foul flow ... for the above development”*

And

*“the proposed development would increase flows to the public sewerage system which may increase the risk of flooding to existing properties and land”.*

- 5.90 DPC is concerned that infrastructure plans never consider the impact additional housing will have on their efficacy and no stakeholders are ever accountable for the issues arising.

### 14 Hazardous Waste and Contaminated Ground

- 5.91 DPC is concerned with regard to the chemicals that were sprayed on the land. Produce on the land was never for human consumption and we are concerned

that previous developments on East Malling Land have shown concerns after planning permission was granted and the concerns of residents were not considered strongly at this stage.

- 5.92 DPC is concerned that previous research activities on the site could pose an enduring risk to human health in particular: agricultural research activities have left a potentially toxic legacy in the soil. It is important to note that the crops on site were not grown for human consumption; and these crops were subject to experimental treatments using pesticides, and herbicides. Limited research has revealed that the site was used for research using: organochlorides like DDT, Lindane and Dieldrin; Organophosphorus chemicals such as Azinphos-methyl. Many of the pesticides legally used are now banned because of effects on wildlife, fish and humans; however a risk persists because crops grown in resident's gardens for human consumption can take up and concentrate these chemicals.
- 5.93 DPC is concerned that asbestos was almost universally used in the past to strengthen items such as plant pots, in particular, factory made plant pots cast out of asbestos, such as window boxes and big plant pots on commercial sites. There remains a credible risk that asbestos containing artifacts could be found on site posing a risk to residents and construction workers.
- 5.94 **Ditton Parish Council (30/04/24)** - Further to the initial objections to the above application submitted on 17th April 2024, as advised Ditton Parish Council is submitting further objections to this application.
- 5.95 Ditton Parish Council is submitting the attached Technical Appraisal from Les Henry Associates giving this Council's further objections to this application.
- 5.96 Ditton Parish Council would also like to refer to the statement made by KCC Highways in relation to another application – TM/23/03298 – on Kilnbarn Road [which is much smaller at 300 dwellings]:
- 5.97 KCC Highways' response is summarised as:
- 5.98 *it is not considered that the applicant has satisfactorily overcome this authority's concerns, and as such, KCC Highways continue to raise objection on the basis that the proposals would unacceptably impact upon overall levels of highway safety.*
- 5.99 If KCC Highways continue to object to the occupation of just 50 dwellings because of the impact on Highway Safety – this application for 1300 should be refused also.

### 1.0 Introduction

- 5.100 1.1 Les Henry Associates Limited have been instructed by Ditton Parish Council to provide this Technical Appraisal of outline planning application reference: 24/00372/PA for the proposed development of 1,300 dwellings, a primary school

and ancillary retail and community uses near East Malling in, Kent, known as Bradbourne.

- 5.101 1.2 My name is Leslie James Henry. I am an Incorporated Engineer, a Fellow of the Institute of Highway Engineers and a Member of the Chartered Institution of Highways and Transportation.
- 5.102 1.3 I have been involved in highway and traffic engineering issues for 40 years in connection with new development and road safety schemes within both the private and public sector.
- 5.103 1.4 I have assisted numerous Parish Councils in this area of Kent in respect many development proposals and highway improvement schemes since 2007.
- 5.104 1.5 This Technical Assessment identifies several problems associated with the proposed development, traffic analyses and subsequently the prediction of the impact of the proposals on the strategic and local highway network.
- 5.105 1.6 The report is produced in support of the objections raised by Ditton Parish Council.

#### 2.0 Site Highway and Transport Characteristics

- 5.106 2.1 The East Malling Trust (EMT) have submitted planning application reference: 24/00372/PA for the proposed development of 1,300 dwellings, a primary school and ancillary retail and community uses near East Malling in, Kent, known as Bradbourne.
- 5.107 2.2 The development site is located immediately south of the existing settlement of Ditton and adjacent to the county town of Maidstone, to the southeast. It is bounded to the east by Hermitage Lane, to the west by Kiln Barn Road, and to the south by a railway line.
- 5.108 2.3 The nearest railway stations are East Malling and Barming which provide 2 services per peak hour to London Victoria.
- 5.109 2.4 A Transport Assessment (TA) report has been prepared by Charles and Associates in accordance with the National Planning Practice Guidance (NPPG) for Travel Plans, Transport Assessments and Statements, March 2014.
- 5.110 2.5 The Local Planning Authority for this development site is Tonbridge and Malling Borough Council (TMBC) and the Local Highway Authority is Kent County Council (KCC).
- 5.111 2.6 Other statutory consultees in relation to transport are anticipated to be National Highways (NH) and Active Travel England (ATE). During the preparation of this TA, KCC and NH were consulted extensively through preapplication protocols, while at the time, no such service was available at ATE.

- 5.112 2.7 The TA submitted in support of the application suggests that historically, development and infrastructure planning has endeavored to predict the anticipated traffic outcomes of development, using historical trends and patterns, and thereafter provide interventions to support those predictions.
- 5.113 2.8 The applicant suggests this approach has failed and simply promotes car dominated developments, increasing traffic congestion and worsening air quality.
- 5.114 2.9 It is suggested that, more recent research indicates that society is experiencing significant changes in terms of travel behaviors, and technological advances are providing more opportunities and choice in how we work, shop etc. These changes have been accelerated by the effects of the COVID-19 pandemic, with increased levels of working from home, online shopping, and access to services remotely.
- 5.115 The applicant suggests the traditional Predict and Provide (P&P) approach risks an over-provision of highway capacity which, in turn, encourages travel by car.
- 5.116 The application documents suggest new methods of planning for and assessing residential development which seek to learn from past mistakes and deliver much needed housing in a fully sustainable manner have been developed and are becoming more widespread across the UK.
- 5.117 2.10 These methods would be adopted with respect to this development to lay the building blocks towards a highly accessible development and a transport network that prioritises sustainable modes of travel.
- 5.118 2.11 The applicant suggests these objectives will never be achieved by continuing to build development which is dependent on the delivery of supporting highway infrastructure that simply perpetuates historical trends.
- 5.119 2.12 Traffic congestion is often cited as a reason for development not to take place, particularly in areas where numerous amenities are provided and strategic movement corridors are present, as is the case with this proposal.
- 5.120 2.13 The applicant suggests the site is located in a highly sustainable location with proximity to and good accessibility to/from an exceptional range of local services and amenities providing for all aspects of daily life, as well as access to public transport, which can be enhanced further through the development proposals.
- 5.121 2.14 Apparently, the geographic location of the site, which is in close proximity to existing employment, shops, and services, is considered a significant opportunity. In particular, the numerous shops and services in the immediate surrounding areas and an even wider range of amenities in the county town of Maidstone are accessible for future residents of the application site. Furthermore, the presence of Barming rail station immediately to the southeast of the site would facilitate commuting trips to London and other destinations by non-car modes.

- 5.122 2.15 The development would seek to take full advantage of the opportunities provided by its excellent location, whilst remaining aware of and responsive to specific local context. The primary constraints of the site in transport terms relate to existing peak hour traffic congestion on the surrounding network and existing levels of and access to public transport provision.
- 5.123 2.16 With respect to the operation of the surrounding highway network it is evident that simply promoting a car dominant development of this scale would not be desirable or acceptable.
- 5.124 2.17 It is important to note that simply trying to overcome highway capacity constraint to facilitate the development would serve only to encourage car use for residents of the site and the surrounding communities. Whilst some mitigation may be necessary at critical locations, it is considered that the long term solution is to facilitate and promote travel by sustainable modes wherever possible.
- 5.125 2.18 Notwithstanding the above statements in the TA a brief analysis of the 2021 Census data for car availability, distance of travel to work and mode of travel to work indicate a high degree of car ownership/availability, travel to and from work by car or van.
- 5.126 2.19 Car availability within the study area, Ward and Borough would suggest average car availability per household is between 1.3 and 1.5 and the percentage of people travelling to work by car/van ranges between 47% and 57% across the various Census output areas.
- 5.127 2.20 On the other hand travel to work by public transport is recorded within the 2021 Census data as being between 3% and 4% across all Census output areas.
- 5.128 2.21 It is therefore unlikely that the proposals would be able to meet the applicant's ambitions for a majority of trips to and from the site to be undertaken by sustainable modes.
- 5.129 2.22 Furthermore, it is most likely that the development would generate considerable levels of additional vehicular traffic which have adverse effects on the safe and free flow of traffic, would give rise to condition prejudicial to highway safety and would have adverse effects on air quality.

### 3.0 Highways Implications

- 5.130 3.1 The Transport Assessment predicts the following junction will require some mitigation works as a result of the proposed development: -
1. A20/Hermitage Lane
  2. A20 /Bradbourne Lane (Scenarios 1 & 2 only)
  3. M20 J5

4. M20 J6

5. Wateringbury Crossroads (Scenario 3 only)

6. East Malling Village (Scenario 3 only)

5.131 3.2 It is worth noting that Scenarios 1 and 2 inflict the lowest increases in vehicular traffic and scenario 3 the largest.

5.132 3.3 It can be seen in the predicted scenarios that the above junctions are already operating at or over capacity with large vehicle queues developing at peak times.

5.133 3.4 The proposals do not provide any details regarding additional public transport services that would enable or entice future residents away from using private motor vehicles.

#### 4.0 Conclusions

5.134 4.1 The additional vehicular traffic generated by the proposals for will have a significant impact on the local highway network, particularly on Kilbarn Road and routes through to existing junctions with A20 to the north.

5.135 4.2 The Transport Assessment (TA) has not correctly identified the existing traffic conditions within the local area and subsequently has not accurately assessed the implications of the proposals on the local highway network or identified any appropriate mitigation.

5.136 4.3 The transport issues associated with the proposals have therefore not been correctly considered and therefore the impacts of the proposed development have not been addressed.

5.137 4.4 The environmental impacts of traffic and transport infrastructure have not been correctly identified, assessed, and considered.

5.138 4.5 The significant impact from the proposed development in terms of capacity, congestion, highway safety, pollution and the possible effects on public health have not been fully identified and therefore no appropriate mitigation is proposed.

5.139 4.6 The proposals have therefore been prepared by a strategy that fails to meet the infrastructure requirements and cannot therefore satisfy the NPPF, requirement for soundness and does not comply with the Council's Planning Policies.

5.140 4.7 The proposals should therefore be refused planning permission.

5.141 **Ditton Parish Council (07/01/25)** - Please see below Ditton Parish Council's objections to this application. Please note that this document was produced in order to register the Council's objections within the very short deadline given. Ditton Parish Council is continuing with requests for information; but due to the

time required for other organisations to respond, we are unable to include more at this time; and trust that when we do provide this information, it will be given the weight that it deserves.

### Summary

5.142 Ditton Parish Council assessed the proposal against the requirements of the National Planning Policy Framework (NPPF), December 2024 and found that this proposed development is not compliant with those requirements. Consequently, Ditton Parish Council (DPC) strongly objects to the planning application in the following areas of concern:

1. Lack of Infrastructure (para 77 of NPPF)
2. Traffic Generation / Transport (paras 89, 110, and 116 of NPPF)
  - 2.1 Review of Traffic Modelling
  - 2.2 Road Traffic
  - 2.3 Mitigation – Trains
  - 2.4 Mitigation – Buses
  - 2.5 Mitigation – Cycling
3. Loss of Agricultural Land and Species Habitats (para 187 of NPPF)

5.143 Additionally, DPC objects to the proposed development with respect to the following additional areas of concern:

4. The loss of Heritage Assets
5. Loss of Privacy
6. Overshadowing and Overlooking
7. Adequacy of Parking
8. Highway Safety
9. Noise, Dust and Air Pollution
10. Impact on Conservation Area(s)
11. Facilities
12. Public Rights of Way (PRoWs)
13. Archaeology

14. Disproportionality

5.144 The council's objections are described in more detail below.

1 Lack of infrastructure

5.145 Paragraph 77 of the NPPF states that *“The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes).”* DPC is concerned on the levels of flooding that have occurred during the last few years including on the A20 and surrounding roads. The natural soakaway provided by the site will be lost if built upon; which will increase the risk of pluvial flooding.

5.146 DPC is concerned that, even without this development, that there are no plans for additional reservoirs; and the increased abstraction due to the additional boreholes recently installed, and currently planned, will deplete the aquifer to a level where it will be unable to cope with the increased demand from the new housing for potable water. Even without this development the increased potable water demand will increase the now regular reliance on the cutting of water usage to meet the current need. Should this development go ahead then the situation will be much worse.

5.147 DPC is aware that the sewage developments in Kent are not coping with the current demand and have seen regular and routine sewage leaks. To minimise risks to the public, the infrastructure to deal with domestic waste from this development must be in place before the buildings are occupied. At present, while the Ditton Waste Water Treatment Works could potentially deal with the effluent from this development; the fundamental issue appears to be how this effluent actually gets to the water treatment plant. The developer implies that the existing 150mm foul sewer in Kilnbarn Road together with the existing foul sewer in Hermitage Lane which is also being used to carry the extra effluent from the houses being built along it will successfully accommodate the effluent from 1300 additional homes arising from this development. DPC is concerned that this may not be the case.

5.148 DPC is concerned that infrastructure plans never consider the impact additional housing will have on their efficacy and no stakeholders are ever accountable for the issues arising.

2 Traffic Generation

5.149 Paragraph 89 of the NPPF states *“it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for*

*example by improving the scope for access on foot, by cycling or by public transport).*”

- 5.150 Paragraph 110 of the NPPF also states: *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”*
- 5.151 Further, the NPPF states in paragraph 116: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”* DPC believes that the evidence provided covering the impact of this development on traffic meets this requirement and that the development should therefore be refused.

### 2.1 Review of Traffic Modelling

- 5.152 Having reviewed the traffic analysis, DPC is concerned that there are false assumptions and many material errors. DPC is also concerned that measures to limit the need to travel have not been adequately addressed; and that a genuine choice of transport modes is not available.
- 5.153 The analysis is showing small, unsuitable roads such as St Peters Road and Bradbourne Lane holding large numbers of queueing cars diverted from the more direct route of: New Road, Ditton. St Peters Road and Bradbourne Lane are residential roads which have lots of on-street parking; and consequently provide a constriction on free-flowing traffic. The plan is simply pushing traffic at all times on areas already dealing with sufficient traffic to overload capacity.
- 5.154 The proposed design drawings of Kilnbarn Road/Link Road junction do not correspond to the modelling assumptions. The analysis suggests that no access from the new link roads onto Kilnbarn Road South, but the drawings do not show this.
- 5.155 Further, the traffic analysis of Kilnbarn Road only considers a peak of 10 Passenger Car Units (PCU) per hour for traffic travelling South and 15 PCU / hour peak heading North, at morning peak. This route already carries far more PCU than this. Indeed, other studies on the TMBC planning portal have indicated a development of 50 homes will generate an additional North-South Traffic flow of >10 PCU on this route.

### 2.2 Road Traffic

- 5.156 DPC is concerned, from inspection of the analysis methodology supplied, that the predictions of traffic expected as a result of this development may be an underestimate, even with the aspirational (and implausible) mitigation proposed.

Even so, the predicted traffic flows result in junction saturation, leading to increased congestion.

- 5.157 DPC see within the traffic prediction model a reliance of unsuitable roads such as St Peters Road, which feeds into Bradbourne Lane, both of which are not wide enough to reflect the increase of traffic; and which regularly have parked vehicles along their length. Bradbourne Lane also has a 6'6" width restriction and a blind brow, with no footpath at that point. We are also aware of poor pedestrian visibility on Bradbourne lane, particularly from the new footpath added to accommodate the new Lidl store.
- 5.158 Ditton Parish Council note the KCC Modelling Advisory Service large-scale model significantly underestimates the traffic to and from East Malling (over 20% in some cases). There have not been and there are no known future plans to deal with traffic generated from this development adding to the already saturated flow through East Malling village centre; and accept the findings that the link road will offer no additional support to East Malling traffic and is not a viable option.
- 5.159 Ditton Parish Council find the planned increase of traffic on Kiln Barn Road at 811% to be completely unacceptable particularly with a new 300 housing development already being built that discharges traffic solely onto that road. The traffic generated by this development was not considered in the analysis.
- 5.160 Ditton Parish Council find the increase traffic of St Peters Road, a residential road to be unacceptable – and the suggestions that the project will encourage rat runs to avoid large chunks of the A20.
- 5.161 Ditton Parish Council is concerned that the plans for improving the A20 have not been completed and there are currently no proposed plans in place to complete the works that were originally promised.
- 5.162 Ditton Parish Council is concerned about the Hermitage Lane developments which have also not being considered in the analysis. Hermitage Lane has experienced large traffic problems for the last few years which the traffic analysis has not considered. The road is the main route for Ditton's residents to Maidstone Hospital. DPC is aware of delays to emergency ambulances travelling on this road, even when showing blue lights and sounding their sirens.
- 5.163 The proposal is linking up to existing plans for a roundabout for a new development. This surely admits that the traffic issues from the housing developments is accepted by Kent County Council and Tonbridge and Malling Borough Council.
- 5.164 DPC is aware that there are plans to improve the J5 and J6 of the M20 to improve traffic flow. The improvements will be short lived due to the additional housing that will result in the capacity being filled in again.

### 2.3 Mitigation – Trains

- 5.165 The current proposals for reducing road traffic over the medium to long term includes the utterly implausible suggestion that the local train operator, SE Trains Ltd, double the number of services, at peak times, that stop at Barming station:
- 5.166 *The station [Barming] currently operates a half-hourly service in both directions during peak periods and hourly off-peak. For the purposes of this TA, it is envisaged that, as a minimum, the peak hour services will be increased to every 15 minutes to cater for additional demand derived from the development.*
- 5.167 This is such an improbable suggestion that the inclusion of this statement further reinforces the view that the transport assessment modelling is flawed.

### 2.4 Mitigation – Buses

- 5.168 The current proposals discuss the ability of new and enhanced bus routes to reduce traffic generation from the development.
- 5.169 *The specific [bus] routes and service frequencies will be determined by KCC at the appropriate time, however, for the purposes of this TA it has been reasonably assumed that there will be an increase in peak hour services which will provide increased opportunities for travel by bus between the site and surrounding key employment and/or education hubs. In particular, it is anticipated that service provision to/from Maidstone, Kings Hill and along the A20 corridor will be markedly improved.*
- 5.170 These plans are reliant on private enterprises being able to justify a new commercial route or additional services. The commercial justification for new routes, or greater frequency of services, to serve this development is implausible, and it would need to be subsidised. Funding from other sources, in part or fully is not credible in the medium to long term.
- 5.171 KCC submitted their Bus Service Improvement Plan with a bid for £213m; but were actually granted £35.1m. The consequence of this was a county-wide reduction in bus services and routes particularly for school users, some being cut completely. Examples include Aylesford School and Wrotham School who have both experienced bus restrictions. DPC is also aware that some Parish Councils are now subsidising routes for areas such as Ightham, Trottiscliffe, and Offham.

### 2.5 Mitigation – Cycling

- 5.172 The cycling routes identified in the Sustainable Travel Strategy are misleading, and in some cases illegal. For example, in section 4.5.29, it states: *“From Hermitage Lane the route takes an off-road path, which runs immediately to the north of the hospital before connecting into Giddyhorn Lane and Malling Terrace. The path is signposted for pedestrians and cyclists and provides a direct traffic free route, while Malling Terrace (which leads to Queens Road) is a lightly*

*trafficked route with tarmac surfacing.*” This path (MR489) is shown as a footpath only on the definitive map and the use or carriage of a bicycle on that route is therefore illegal trespass!

5.173 Further, while it is claimed that all public rights of way crossing the proposed development will be upgraded to bridleways (if not already bridleways); this leads to the interesting issue that these new bridleways will revert to footpaths at the edges of the development; and are not legal routes for cyclists. This happens at (or near) the following locations:

- The pedestrian footbridge on MR 488;
- MR485 near the junction with Upper Mills Road; and
- The pedestrian footbridge over the railway on MR102.

5.174 This strategy will therefore encourage trespass by cyclists onto footpaths contiguous to the site.

### 3 Loss of Agricultural Land and Species Habitats

5.175 Paragraph 187 of the NPPF1 states that:

5.176 *“Planning policies and decisions should contribute to and enhance the natural and local environment by: .....*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; .....*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;”*

5.177 This development represents a significant Change in Landscape Character at the local scale from horticulture and orchards to an urban area, destroying the existing intrinsic character and beauty of the site.

5.178 Additionally, this development will result in a loss of 62.3ha of the best and most versatile agricultural land<sup>11</sup> as described in Table 1 below:

**Table 1: Areas occupied by the different land grades.**

<b><i>Grade/subgrade</i></b>	<b><i>Area (ha)</i></b>	<b><i>% of the land</i></b>
<b>Grade 2</b>	51.9	81
<b>Subgrade 3a</b>	10.4	16
<b>Non-agricultural</b>	1.6	3
<b>Total</b>	63.9	100

Table 1 agricultural land quality assessment

- 5.179 Ditton Parish Council note there are there are several trees, groups of trees and woodlands on the site which are the subject of a Tree Preservation Order. The TMBC Order References are as follows:
- Woodland TPO 80/10069/TPO dated 7/3/1980.
  - Area TPO 76/10068/TPO dated 14/4/1977.
  - Various TPO 86/10051/TPO dated 22/5/1986.
  - Individual TPO 72/10084/TPO dated 10/5/1972.
- 5.180 DPC is concerned that the development will cause the destruction of many trees including five mature pendulate oak trees. One of these is a tree of high quality with an estimated remaining life expectancy of at least 40 years; while the other four are trees of moderate quality with an estimated remaining life expectancy of at least 20 years, in their current condition. Mature oak trees are recognised as a haven for 2,300 wildlife species, providing vital spaces to eat, shelter and breed; and their loss to the local wildlife will be significant. Replacement planting of young oak trees will not provide significant mitigation over the short to medium term.
- 5.181 There is one confirmed and 3 other trees that have the potential to be homes for Bat species; and DPC is aware that two properties on the development due to be demolished are also currently housing for bats.
- 5.182 The reports confirm there are eight species of bat currently living on the site that would be adversely affected by the planned development. The reports also highlight a range of other animals living on the site including dormice, deer, fox, hedgehogs, stag beetles, and a variety of birds.
- 5.183 There is the potential for adverse impacts due to damage to habitat and the loss of certain animals during the clearance works. Long term effects include the introduction of stray light and glare onto bat foraging sites and corridors, as a result of lighting.

- 5.184 The developer has recognised the impact of this development on habitats of principal importance within the site boundary as follows:

*.....there are some Habitats of Principal Importance (HPIs), which are of ecological value. The Application Site provides foraging habitat and shelter for a range of common and protected species. In addition, part of the site is noted as Deciduous Woodlands HPI and Ancient and Semi-natural Woodland HPI. Temporary disturbance from the construction phase (such as increased noise, dust generation, lighting and increased human activity) could have an adverse impact on these habitats and there could be accidental damage from machinery*

- 5.185 DPC is concerned that this development will result in loss of wildlife habitat over the short to medium term, from which the native fauna will never recover.

- 5.186 The development is in an intrinsically dark landscape where any new lighting would be conspicuously out of keeping with local nocturnal light levels. DPC believes that the light pollution arising from this development is contrary to national, planning policy, and government circulars, and will be harmful to native nocturnal wildlife.

- 5.187 DPC believes that the tests for acceptance of this development under paragraph 187 of the NPPF are not met and that the planning application should be refused.

#### 4 Loss of Heritage Assets

- 5.188 Paragraph 203 of the NPPF states: *“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:.....*

*d) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;”*

- 5.189 A review of the archaeological and Heritage reports indicated a potential loss of the few remaining elements relating to the 19c. parkland landscape of Preston Hall.

- 5.190 The proposed development claims that by planting non-native trees along the lines of the 19c. rides that: *“The proposed changes will affect the setting of heritage assets by changing the character of the mid-late nineteenth century landscape by removing its agricultural character. In themselves, the physical remains of the drives will remain largely unaffected, and will remain part of the evolving landscape.*

*The eastern drive in particular will remain a public route much as it has done since the nineteenth century.”*

- 5.191 These proposed measures should be translated into planning conditions should this development be approved.

#### 5 Loss of Privacy

- 5.192 DPC is concerned that the development of Franklin Kidd Lane and Cyril West Lane in Ditton (developed in 2010 – 2012) will be subject to a significant loss of privacy from the proposed development on three sides. When the development was considered (and approved) Ditton Parish Council asked questions about future development and were assured that there were no plans to further develop on that (the East) side of Kilnbarn road. This loss of privacy is a detrimental effect on people living in properties which were considered to be at a premium rural location with no overlooking properties.
- 5.193 DPC strongly believes that residents on Franklin Kidd Lane and Cyril West Lane will face considerable additional traffic from this development and these small Cul – de – sacs will be enveloped and linked to a large estate, which was not expected in the original design, to the detriment of the existing residents.

#### 6 Overshadowing and Overlooking

- 5.194 Ditton Parish Council believe that Franklin Kidd Lane and Cyril Way Lane will face being overlooked by three sides of the proposed development. The design of this estate never factored being overlooked and despite gaps planned for, we believe that the houses will be overlooked to a detrimental affect to those already living in this area.

#### 7 Adequacy of Parking

- 5.195 Ditton Parish Council have little confidence in the analysis completed by Tonbridge and Malling Borough Council and Kent County Council on the parking solutions being proposed. Historical evidence of the past twenty years has shown these analyses have consistently facilitated the delivery of poorly designed road and parking schemes including: Brampton Fields, Ditton; Holborough Lakes, Snodland; and Leybourne Chase, West Malling; which have all delivered inadequate parking and consequential traffic problems.
- 5.196 DPC believe that the current development's plan fails to include a realistic number of cars/vans per household. Further, the plan does not include sufficient opportunities to park cars/vans off the road.
- 5.197 DPC believes, having read the travel plans and the detailed reports, that there has been no serious consideration of the additional traffic essential for servicing the new development. For example, the development will be a major attractor for traffic arising from supermarket deliveries, take-away food deliveries, on-line retailers such as Amazon, as well as traditional services such as Royal Mail, Milk deliveries, etc. These delivery vehicles will need to park, albeit temporarily, on the

development throughout the day as well as during the evenings and early mornings when the residents are at home, and the residents' vehicles are parked on the development. DPC do not believe that the accommodation of realistic quantities of delivery vehicles has been accurately reflected in the modelled simulations and consequent design.

- 5.198 Ditton Parish Council, again from experience, are aware that a proposed school will result in significantly more traffic than expected. The primary driver for traffic arises because staff do not live within a walkable distance, which is exacerbated by the teacher shortages faced by Kent schools. There is also no submitted proposed travel plan which is expected from schools. DPC is aware from experience of Ditton Infant School, Ditton Junior School, Valley Invicta at Aylesford, Aylesford School, Malling School and Wrotham School that there is a lot of vehicle traffic on drop off and pick up. This includes traffic arising from those living in "walkable" areas – including estates (such as at Kings Hill). The proposal does not include adequate parking provision for this foreseeable demand.

### 8 Highway Safety

- 5.199 The current proposed design has allowed for a new B Road to be formed. Linking Kilnbarn Road to the A20 through this planned development via another development, under construction, to the East of Hermitage Lane. This new B road joins the A20 at the A20 Poppy Fields (aka 20/20) roundabout provides a new alternative route which will be available for people to use instead of the A20. The traffic modelling shows that this will result in an increase of traffic in Ditton on Kilnbarn lane, thence New Road Ditton which was not designed for these increased levels of traffic, on top of that which would be expected from the development itself. This greatly increased traffic will increase the risk of accidents and collisions between vehicles, vehicles and two-wheeled vehicles and pedestrians including the cohorts of children attending the schools accessed from New Road, Ditton.
- 5.200 A further accident hazard will accrue from traffic heading South along Kilnbarn Lane to access Red Hill via Easterfields and Sweets Lane. These roads form a continuous single-track lane with high hedges and passing places over much of its length, and two blind bends, one at the junction with Rocks Road.
- 5.201 DPC specifically noted that the traffic modelling underestimated the peak traffic on this well used route, as shown in Figure 1 below.

Origin-Destination Data				
Demand (PCU/hr)				
From	To			
	A - New Link Road E	B - Kiln Barn Road S	C - New Link Road W	D - Kiln Barn Road N
A - New Link Road E	0	0	0	211
B - Kiln Barn Road S	0	0	0	15
C - New Link Road W	0	0	0	0
D - Kiln Barn Road N	61	10	0	0

Figure 1 AM Peak traffic assumption, (reproduced from Transport Assessment Vol 5 - Multi-Modal Assessment - Bradbourne, East Malling; 22-031-R1005 Rev B)

- 5.202 The developers proposed junction arrangement will add delays to this route (in both directions) as the traffic exiting the development to head North will have priority over the extant North-South route. This route is already very busy in the morning and evening rush-hours and additional traffic will increase the probability of head on accidents.
- 5.203 Whilst Ditton Parish Council approve of the plans to increase footpaths and cycle lanes, we notice that the proposal does not guaranteeing the funding to complete the work. DPC is aware of the promises linked to Brampton Fields and dedicated funding for a purpose-built entrance. We are also aware that the funding from the Cyril West Lane development for the proposed footpaths from that site to the extant paths in Ditton never materialised either. We are therefore objecting to the plans on the grounds that there exists no hypothecated funding imperative to deliver these road safety measures.
- 5.204 Ditton Parish Council expects the increase of accidents due to the restrictions of width of Kilnbarn Road/New Road due to cycle lanes. The road being proposed is not designed to be widened; but vehicles encountering cycles coupled with narrowness could result in higher rate of accidents occurring.
- 5.205 Ditton Parish Council is concerned that the development is between two railway stations which are not main stations with regular services both ways (see section 2.3). This promotion of green travel is not in line with the current offering in the area.

9 Noise, Dust, and Air Pollution

- 5.206 DPC is aware of evidence seen by Tonbridge and Malling Borough Council over the past 20 years that Ditton Corner (Junction between New Road/A20/Station Road) was one of the most polluted areas in Kent. We are also aware that all monitoring units were removed over the past ten years which means data are not available to support or argue against any plans on the grounds of measured pollution levels.

- 5.207 DPC is aware of housing developments such as those on Kiln Barn Road which are in compliance with noise and dust levels. We are however constantly aware of the levels being not acceptable to those that are living close to the developments, with dust being a persistent nuisance in the summer months.
- 5.208 DPC is concerned that airborne pollution will have an adverse effect on the Ditton Quarry local nature reserve which lies to the north of the proposed development.
- 5.209 Noise of the construction was graded as 'major' on the environmental study and contradicts the low concerns that reports highlight. This may be intolerable to residents of the Franklin Kidd enclave.
- 5.210 Ditton Parish Council note the Defra Damage cost calculation tool with the calculations suggesting £376,100. As the cost of mitigation will be higher than this figure – no mitigation is expected. This is unacceptable to the residents that will be affected from this.
- 5.211 We are concerned that light pollution will affect a known dark-sky area used for star gazing due to the lack of artificial lighting. DPC noted that the checks on sky glow were done on a cloudy night and the observers would have been unable to note the value this area has.

#### 10 Impact on Conservational Area(s)

- 5.212 DPC is concerned about the effect on the ancient woodland. The proposed 15-meter gap might still result in damage to a historical woodland.
- 5.213 DPC is concerned in regard to the chemicals that were sprayed on the land. Produce on the land was never for human consumption and we are concerned that previous developments on East Malling Land have shown concerns after planning permission was granted and the concerns of residents were not considered strongly at this stage.
- 5.214 The plan is to demolish the brick wall on the side of New Road, East Malling. This wall is associated with the Grade one listed building that is on the estate.
- 5.215 The planned road safety improvements in New Road, Ditton would require changes of use and groundworks on land that does not belong to Tonbridge and Malling Borough Council or East Malling Research. This land has protected village green status and could not be used for cycle lanes.

#### 11 Facilities

- 5.216 Ditton Parish Council contest the view of Kent County Council assessment that another primary school is required. The recent educational reviews suggest the fall in PAN numbers will continue. Schools such as St Katherines have shut a third of available classrooms over the past few years.

- 5.217 The reports highlight that local doctors are still able to take patients. We believe this is linked to an increase of patient per doctor ratio that has been allowed by the NHS. DPC is also aware that St Peters Village and Leybourne Chase provisions for GP surgeries have not been taken up. There is therefore a shortfall of GP provision in the expected areas.
- 5.218 DPC is concerned that the inclusion of shops / restaurants will act as an attractor to traffic, and increase traffic flows into and out of the development. This is potentially worse from increasing the number of local take-away options which have had a detrimental affect on existing facilities such as McDonalds and have generated additional traffic from delivery drivers. We are also aware of issues such as increased traffic heading to and from popular restaurants such as Papas' Barn following their rebuild in the past 15 years.

### 12 Public Rights of Way

- 5.219 The development plans will have a major adverse impact upon the amenity value provided by the existing public rights of way. The current Public Rights of Way allow residents to have pleasant views across agricultural farmland and horticultural fruit production.
- 5.220 The developer has identified this loss of amenity:

*In the short term it is judged that for those PRow that cross the main site east of Kiln Barn Road there would be a major adverse impact upon the amenity value associated with these PRow first as a result of the construction activity and then in the medium term by the permanent altering of the views from these sections of PRow which currently experience pleasant views across open agricultural farmland and horticultural fruit production.*

- 5.221 The impact of this development would be to downgrade these pleasant views to a largely urban landscape.
- 5.222 Further, The PRowS crossing the development are some of the very few places locally where light pollution is low enough to see the stars of the night sky, and our own galaxy, the Milky Way. DPC note that these PRowS permit public access to an "intrinsically dark landscape" that supports habitats for native nocturnal animals and permits visibility of the stars. Intrinsically dark landscapes are those entirely, or largely, uninterrupted by artificial light and which require protection from light pollution; and where any new lighting would be conspicuously out of keeping with existing local nocturnal light levels.
- 5.223 This amenity would not have been detected by the developer as they undertook their study on a cloudy night! DPC believe that this dark sky area is a valuable amenity that is highly valued to those who go out on clear nights to see the stars. DPC believes that the light pollution arising from this development is contrary to

national, planning policy, and government circulars, will be harmful to native nocturnal wildlife, and will prevent enjoyment of the night sky.

### 13 Archaeology

- 5.224 Ditton Parish Council objects to this proposal because of the risk of damage to archaeological sites that within the development boundary. This is also recognised by the developers:

*The Proposed Development lies in an area of archaeological potential, especially for the Palaeolithic and Bronze Age periods within the Main Site and the Romano-British period in the Access Site. Foundations and other groundworks in this area have the potential to disturb and destroy archaeological heritage assets; destruction of a high significance receptor constitutes a long-term, substantial adverse effect.*

- 5.225 DPC is aware of the remains of the Roman Villa adjacent to St James the Great church near the Access site.

- 5.226 Lidar imagery of the Main Site, and satellite imagery (especially from 2003), suggested there may be a prehistoric (Bronze Age) ring ditch or round barrow within the site boundary to the immediate west of Dog Kennel Wood. The archaeological investigation found that the feature was natural however finds indicating late Iron Age/early Roman activity elsewhere in the development area that would be of potential regional significance.

- 5.227 The development site has been largely unchanged for centuries a fact that is accepted by the developers:

*The general setting of the Main Site is within an unlisted historic landscape relating to postmedieval woodland and agriculture. The landscape and the changes to it over time, provide historic information, and should be conserved.*

- 5.228 The developers propose “sensitive lighting”, including the use of low glare fixtures, appropriate positioning, appropriate brightness and consideration to the orientation and optical qualities of the beam, will minimise the effect of the illumination of the Access Site on nearby Listed Buildings in the Conservation Area and on designated views of the historic landscape.

### 14 Disproportionality

- 5.229 Recently the Area 3 section of the borough has seen considerable housing developments, occurring at a faster rate, than the other two areas of the borough. This development plan is counter to the existing aims and philosophy of Tonbridge and Malling Borough Council cabinet for all the borough to share housing.

- 5.230 Further, this development plan if implemented would allow a tenth of all planned housing for TMBC to land within a single Parish Council.

- 5.231 **Ditton Parish Council (06/01/26)** - Ditton Parish Council has considered the above application and observations thereon are as follows:
- 5.232 Resolved this Council continues to strongly object to this application as a whole and objects to the proposed modification submitted in December 2025:
- The council accepts the adaption which will improve access for East Malling – particularly the church which was concerns from Historic England.
  - The suggestion of hedge row has no legal standing and can be easily withdrawn or if part of the conditions – allowed to be modified. We have experience of what was believed to be cast iron agreements being removed years later.
  - The concern of development of a large road will allow areas of high quality agricultural land to be available for housing. The suggestion in the TMBC plan for employment areas is unlikely.
  - The route for a bus service still is relying on commercial partners – examples of this not being established on Pantonni Park suggest this is not viable
- 5.233 **East Malling and Larkfield Parish Council (28/03/24)** - Thank you for your letter about this application and I should say at this stage this is a considerable application with a lot of documents so it may take some time for Parish councillors to read all the documents and study the plans.
- 5.234 It is of course contrary to the existing local plan and affects Aylesford, Ditton, and East Malling. When the presentation was made by the Research it was also felt traffic ending up in East Malling would cause some to go on into West Malling.
- 5.235 The Parish Council therefore feels this will be a very controversial application and should be considered by the Area Committees meeting jointly if necessary.
- 5.236 I have copied this email to West Malling, Ditton, and Aylesford Parish Clerks.
- 5.237 **East Malling and Larkfield Parish Council (07/05/24)** - TM/24/00372/PA – Outline application for development of land to the west of Hermitage Lane and Kiln Barn Road by East Malling Trust
- 5.238 1. These comments are made on a preliminary basis given the volume of documents to be read by Parish Councillors for what is a significantly large site.
- 5.239 2. We have tried to reflect the concerns expressed at a Public Meeting held on 28th April 2024 in East Malling. We have also taken into account the response of Teston parish Council dated 3rd May 2024 plus those of Ditton Parish Council following their earlier public meeting.
- 5.240 3. Parish Councillors also attended the pre-application exhibition held by the Trust and have attended meetings with them.

Highway Issues

- 5.241 4. Both public meetings and public representations indicated a considerable level of concern regarding traffic impacts of the development in Hermitage Lane; New Road, Ditton and its junction with the A20; and also the southern part of Kiln Barn Road, Ditton with lanes in East Malling that lead either down to East Malling village or south to the A26 at Wateringbury crossroads. There is also the private road through the “Research” site from Kiln Barn Road to New Road, East Malling.
- 5.242 5. The documents clearly indicate a move away from the “Predict and Provide” model of assessing applications to a “Decide and Provide” one.
- 5.243 6. This “paradigm shift” has significant implications in assessing all applications as well as Local Plans. It fits in with the fact the Government through of its Planning Guidance states applications should only be refused if they create “severe” highway problems. The response from Teston Parish Council sets out the position clearly.

Road from Kiln Barn Road through to New Road, East Malling

- 5.244 7. The shift mentioned above seems to have changed what was proposed at the consultation stage namely making this road a public one open to the general public to a “Sustainable Movement Corridor”.
- 5.245 8. This is a term the Applicant’s seem to have devised meaning the route could be used by buses, cyclists and walkers. It envisages people working on the site would use the New Road access at East Malling and not from Kiln Barn Road.
- 5.246 9. The Parish Council welcomes this would not be a public road as such a through road would as the documents confirm create additional traffic in East Malling Village with its narrow streets and pavements. It would be detrimental to those living in the houses on the roads many being listed and in the Conservation Area. It means the idea of a second car park knocking down Cherry Villas has, we understand been dropped. In addition the idea of making Chapel Street, Gilletts Lane and The Rocks Road one way which we are aware had been explored. The Parish Council was completely opposed to this idea.

Questions

- 5.247 10. However, the following questions need to be answered:-
- 5.248 (a) Bus – where would this bus run and who would pay for it? For how long?
- 5.249 (b) Road Status Change – As we understand the legal position there is nothing to stop the Trust opening up the road, wrongly called Capel Street to public use. Would there be a Legal Agreement requiring its closure at Kiln Barn Road to all but buses, cyclists and pedestrians?
- 5.250 (c) Cycle Use/Public Path MR102 – Definitive path MR102 runs through from Church Walk through St. James Churchyard then on Trust land through to Kiln

Barn Road. The Parish Council consider this is satisfactory as a public path but arguably not so for cyclists through the churchyard. Presumably any status change would need the Church authorities to agree|? However, a legally recognised cycleway would be welcome on an agreed route and signed.

- 5.251 (d) It is noted the road could be open to the public under the “Pessimistic Scenario”. This brings us back to (b) above. It should not be capable of a unilateral decision.
- 5.252 11. Lanes south of Railway Line The Parish Council is not convinced that changing the layout of Kiln Barn Road where it meets the new access into the development site would have much impact on discouraging the use of the narrow country lanes of Kiln Barn Road under the height restricted railway bridge; Easterfields; Sweets Lane or The Rocks Road down into East Malling village.
- 5.253 12. These road are unsuitable for more traffic and we would not wish to see them “improved” as they are rural lanes with high hedges in places; the pond close to Four Acres; and much used by horse riders. We would therefore wish to see them designated as Quiet Lanes and other restrictions imposed.

#### The Development Site

- 5.254 13. The site is within the parishes of Aylesford and Ditton so we ask that great weight is placed on the representations made by those Councils. However, we would wish to emphasise the following issues:-

#### Loss of Rural Public Footpaths

- 5.255 (a) If approved the planning application would result in a loss of an important network of rural public footpaths that are adjacent to the built up areas of Ditton and Aylesford to the north. Whilst the paths could largely be kept on the same routes and landscaped they would not be the same.

#### Effect on Ancient Woodland

- 5.256 (b) Whilst it is not proposed to build on Deadman Wood and Dog Kennel Wood there would be an adverse effect on such areas being surrounded by development. It is unclear how these would be protected into the future.

#### Archaeology

- 5.257 (c) We note the developers accept there may be heritage assets within the area. There particularly appears to be a round barrow adjoining Dog Kennel Wood. This needs investigation at the expense of the developer.

#### Urbanisation

- 5.258 (d) The development would result in the further urbanisation of the area especially when taking into account the already approved housing sites off Hermitage Lane. In effect merging Maidstone with the built up area of Medway Gap.

Woodland Strips and Trees

- 5.259 (e) Ditton Parish Council has recorded the existing Tree Preservation Orders under Section 12 of its representations. The Borough Council is urged to carry out a comprehensive survey of all T.P.Os so that such trees can be protected and taken into account during the Planning process.

Loss of agricultural land

- 5.260 (f) The Council continues to be concerned at the loss of agricultural land across the Borough and generally. Such land needs greater recognition for this country's food security into the future. Conclusion In consideration we emphasise this is an initial response and given the size of this site it considers it should be reported in due course to the Area Planning Committees.
- 5.261 **West Malling Parish Council** (16/04/24) - West Malling Parish Council Planning Committee has considered this application and objects for the following reasons:
- the proposals include access to the site from New Road in East Malling. This inclusion will encourage both residents and the large numbers of motorists already using Hermitage Lane to use this access as an alternative East/West route from Hermitage Lane towards West Malling. Commuters in particular will travel to West Malling train station to use the more regular train links. This is likely to have serious safety implications, as well as overload Mill Street and Clare Lane in East Malling, through onto Lucks Hill, Swan Street and Town Hill in West Malling. Furthermore, this access is not required for safe entry and egress to the site which has already been proposed to/from Hermitage Lane itself and directly onto the A20.
  - the proposals will further add pressure to the existing road network, including Hermitage Lane and the critical junction with the A20. This is a key part of the local transport network, through which traffic heading from West Malling and other local communities to the hospital passes. While WMPC understands that there are plans to reduce pressure on this junction with the changes at Coldharbour Roundabout and the through road cutting West to the new Poppies development, it is not clear whether these plans were taken into account as part of the traffic analysis required for that scheme.
  - this proposal will place further significant pressure on local public services, in particular the NHS. Access to primary care and general practice services locally is already at breaking point and these proposals do not even include a location where the provision of such services may be possible.
  - the proposals will see the removal of high-quality agricultural land at a time when food security is increasingly important and as encouraging local food

consumption becomes a more pressing concern as part of our bid to reduce food miles and combat climate change.

- the proposals do not include any provisions for communal heating or energy, despite being of such a significant size that this would easily be economically feasible. Ground source boreholes could provide cheap, sustainable energy and should be made a condition for schemes of this size.
- the proposals will also place significant pressure on water resources locally, which are already very stressed.
- the proposals will further exacerbate the creeping urbanisation of this part of the Borough and the County that is seeing the green space which keeps settlements distinct removed.

5.262 **West Malling Parish Council** (31/01/25) - West Malling Parish Council reconsidered this major application at its recent Planning Committee.

5.263 Using your website for a major application such as this which has over 500 responses listed is virtually impossible as there is no guidance as to which respondent is which. We would urge that TMBC revises the website to make reading of documents easier and indeed even possible as a matter of urgency and in the interests of local democracy.

5.264 We made a submission to this application dated 16 April 2024 in which we stated why we object to this application and this submission, which also raises objections to the application, is supplemental to that. We note objections from both Ditton Parish Council and East Malling and Larkfield Parish Council and fully agree and support the well-reasoned and detailed responses each has made. We here below wish to add some additional comments to our April submission to further explain why we object to this application.

#### Sewage

5.265 The developer suggests that the new 1,300 homes will be connected using existing foul sewers pipes in Kiln Barn Lane and Hermitage Lane. This seems optimistic to us. Those pipes will be old and it is only once the houses are occupied that the veracity of this assumption will be found. If this proves not to be adequate, the consequences will be experienced by more households than just this development. We believe the infra structure planning of this application is not well considered.

#### Traffic

5.266 We are not convinced by the traffic analysis of the impact of this large development. Traffic will be using narrow roads which are residential streets and unsuitable for the increase in vehicle movements. In West Malling, we have already raised concerns that there will be major increases in traffic from this development using Lucks Hill to access West Malling Railway Station and on to Swan St to access facilities in West Malling and trying to turn right at the top of

Swan St to take Town Hill down to the A20. These roads are already very busy especially a school drop off and pick up times. We note another development in East Malling, very recently given approval and two other developments on site on the A20 adjoining West Malling. We are very concerned at the cumulative increase in traffic each of these will bring to our parish and the further pressure on parking within West Malling which is often above capacity. This will be detrimental to local businesses in a significant way.

- 5.267 We also note that the proposal suggests SE Trains increase services at Barming Station to provide mitigation to car usage. This seems highly unlikely. Both Barming and East Malling Stations have much lower numbers of stopping trains than West Malling, which is why people especially from East Malling choose to drive to West Malling to use the better service. This already causes West Malling Station car park to be usually full by 8.30 am on weekdays, This development will only make this worse.

#### Wildlife habitat

- 5.268 We note the diversity of wildlife living on the site, including various species of bats, badgers, dormice, deer, fox, hedgehogs, stag beetles and a variety of birds. All of these will be adversely affected by this development if not eradicated.

#### Cycle ways and footpaths

- 5.269 There is a history of local developments promising new or improved cycle ways and footpaths that never materialise. We can see no robust funding arrangements proposed to fund the building and maintaining of these.

#### Facilities

- 5.270 A principal concern to our parishioners is access to GP appointments. There are no proposals here to provide any additional services for this. 1,300 new homes, a development roughly the size of West Malling, will only make this key issue worse.

#### Energy usage and increase in local carbon footprint

- 5.271 There is nothing here that suggests how these new homes will be designed to be low energy usage, either by solar panels or more sensibly for this size of development by creating an estate based central energy plan working on geothermal heat pump, which investment would be affordable within such a large development. We find this very disturbing.
- 5.272 Lastly, Ditton Parish Council note that the Area 3 section of the borough has seen more considerable housing developments than the other two areas of the borough. Indeed West Malling sees these arising on many sides of our Parish and within. This is contrary to TMBC policy that the whole borough should equally share housing development. In particular, our residents are concerned that the

identity of West Malling, and other villages close to us is in real danger of being lost as the conurbation of Maidstone sweeps over us all.

- 5.273 The view of West Malling residents and the Parish Council is that we have enough already, further local development, especially without proper consideration of infrastructure will lead to severe quality of life issues for the population and for those who will live in such developments.
- 5.274 **Wateringbury Parish Council** (11/06/24) - It is evident from the developers TA that the proposed development's surrounding road infrastructure would not cope with the additional traffic generated and would unrealistically rely upon new residents using, buses, which currently run at 3-4% occupancy, bikes or walking, as their preferred means of transport rather than their own vehicles.
- 5.275 **National Highways** (16/04/24) - It is recommended that the application should not be determined until 16 July 2024.
- 5.276 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.277 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case, particularly within the vicinity of the M20 near East Malling.
- 5.278 We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Trip Rates and Trip Generation

- 5.279 An "Aspirational" scenario has been put forward, which reflects the vision of the site and features various mode split, internalisation and localisation assumptions to baseline conditions as well as considering the Sustainable Transport Strategy proposals.
- 5.280 The Transport Assessment (TA) states that evidence of the analysis supporting the vision is contained within a spreadsheet in Appendix B of Volume 5 to substantiate the plausibility and practicality of aspirational forecasts. This spreadsheet has not been included within the files received and is not available on the planning portal, therefore this spreadsheet referenced at Appendix B of Volume 5 needs to be provided for review.
- 5.281 This evidence will aid decision making to determine a realistic scenario to be taken forward to inform any mitigation requirements. In addition, it may emerge that it is appropriate to implement a traffic monitoring regime coupled with defined triggers for any SRN mitigation requirements.

- 5.282 Whilst the TA identifies mitigation requirements for the development, owing to the various outstanding matters, it is not possible to comment on this at this stage.
- 5.283 The applicant considers the existing and proposed infrastructure and journeys which are more conducive to active travel and public transport using a Red, Amber, Green system to score key routes and links to adjust mode shares to represent the likelihood of certain mode shares being achieved. This principle of considering mode shares for journey types and routes based on infrastructure available is an approach that is in principle accepted, however given the evidence supporting this analysis is missing a review of this cannot be undertaken at this stage.
- 5.284 The applicant presents working from home assumption informed by an average of the 2011 and 2021 Census data outputs, recognising the challenges of using 2021 Census data for homeworking due to the national lockdown associated with Covid-19. Additionally, the applicant then includes a further 9.3% proportion for home working on top of the 20.7% average of Census 2011 and 2021 home working data. Further evidence is requested to review whether the 30% home working assumption is realistic.
- 5.285 In light of the missing evidence to support the trip generation assessment, the traffic modelling analysis has not been reviewed in detail at this time. Detailed review and comment on these assessments will therefore follow in due course upon agreement of the trip generation. Review of the principal inputs to the SRN assessments has been considered at this stage with comments to note detailed below.

### Trip Distribution and Assignment

- 5.286 The proposed approach to distribute/assign trips onto the network is to utilise the KCC Strategic Transport Model. This approach is accepted in principle, and we will review the detail at such time that the vehicular traffic generation is agreed.

### SRN Capacity Assessment / Junction Modelling

- 5.287 In light of the distribution / assignment of flows, the applicant considers that the M20 J4, J5 and J6 require localised junction assessment given the quantum of traffic flows assigned through these junctions. However, as the trip generation and trip distribution/assignment is not agreed at this time, we are not currently in a position to be able to confirm whether the geographical extent of the traffic modelling is appropriate.
- 5.288 The model scenarios presented include the 2037 Reference Case, 2037 With Development Scenario 1 (Aspirational), 2037 With Development Scenario 2 (Moderate) and 2037 With Development Scenario 3 (Pessimistic).

- 5.289 An opening year assessment to include trips generated by the proposed development, forecasted growth and committed development is required to align with the requirements of DfT Circular 01/2022.
- 5.290 If it is proposed that the development will be brought forward in phases, assessments should be provided based on the opening of each phase to align with DfT Circular 01/2022.
- 5.291 The applicant notes that Committed Developments have been extracted from the Planning portal and included within the modelling. Evidence of agreement of committed developments with TMBC needs to be provided.
- 5.292 Appendix H of Volume 5 details that observed queue lengths from September 2023 (M20 J4), February 2023 (M20 J5) and June 2022 (M20 J6) have been used to calibrate the base models for M20 J4,5 and 6 to represent a suitable baseline for forecast testing of future year scenarios.
- 5.293 M20 J4 assessment includes adjustments to green signal splits and offsets to better calibrate the model however detail needs to be provided on the amendments made to signals to reach the calibration presented.
- 5.294 M20 J5 uses intercept adjustments to calibrate the model, however significant discrepancies are noted between the M20 East modelled queue compared to the observed queue and this needs to be addressed.
- 5.295 M20 J6 uses intercept adjustments to calibrate the model, however the AM and PM model shows inconsistencies with the observed and modelled data on several arms which needs to be addressed.
- 5.296 It is requested that the junction model files, and geometric measurement drawings are provided for review.

#### Junction Mitigation

- 5.297 Whilst we note that the applicant has suggested potential SRN mitigation, because of the various outstanding matters, we are unable to comment on this at this time.
- 5.298 Regarding M20 J6 the applicant identifies that the situation around M20 J6 is complex as there are already several mitigation schemes at the junction which are at varying degrees of development or certainty.
- 5.299 The applicant summarises the mitigation that they are aware of at M20 J6 in Table 2.10 of the Transport Assessment.
- 5.300 It is noted that the applicant refers to the M20 J6 Appellant case, however the applicant should be aware of two conditions that were secured as part of the Planning Appeal for the Bushey Wood Site (Ref: APP/H2265/W/23/3321880).

Further detail can be obtained via the Planning Inspectorate using the reference aforementioned.

- 5.301 For the Bushey Wood site, the Inspector concludes that the SRN mitigation schemes are to be secured through the use of conditions, with the relevant condition 8 and 9 for the SRN mitigation schemes being copied below:

*“8. No more than 250 dwellings hereby permitted shall be occupied until the improvement scheme identified for M20 Junction 6 Running Horse Roundabout, as shown in i-Transport drawing ref: ITB9400-GA-046A (dated 20 September 2023), titled Proposed Arrangement – Southbound Off-slip from M20 Junction 6 Link Road, is completed and open to traffic.”*

*“9. No more than 250 dwellings hereby permitted shall be occupied until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout, as shown in i-Transport drawing ref: ITB9400-GA-044 (dated 30 August 2023), titled Proposed Arrangement for Northbound Slip of M20 Junction 6, is completed and open to traffic.”*

- 5.302 The applicant is requested to clarify which assessment scenarios include the aforementioned committed mitigation schemes.

#### Collision Data Analysis

- 5.303 Collision data for the past 8 years (01/01/2015 to 31/03/2023) has been summarised including M20 J4, J5 and J6. At such time the development traffic impacts are agreed alongside supporting modelling, the applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.

#### Travel Plan

- 5.304 A Framework Travel Plan is provided in Volume 4 Appendix B. However, as identified earlier within this response, supporting information relating to the development vision is missing. Upon receipt and review of this information, we be in a position to provide substantive comment on the submitted FTP.
- 5.305 The above represents our current requirements. As the analysis progresses, it is possible that further requirements may emerge.

#### Conclusion

- 5.306 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and DLUHC NPPF December 2023 [particularly paras 114 to 117]). This response details the steps that need to be taken in order to resolve this issue.

- 5.307 In light of the above, National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.
- 5.308 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.309 **National Highways (15/07/2024)** - It is recommended that the application should not be determined until 16 October 2024.
- 5.310 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.311 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.
- 5.312 Since our response of 16 April 2024, we held a meeting with the applicant's transport consultant on 5 June 2024 to discuss the outstanding matters, including the overall approach that the Transport Assessment (TA) has taken with regards to establishing three forecast 'with development' scenarios. The three scenarios include:
- Pessimistic – Assumes no change to the existing trip rates derived from TRICS.
  - Moderate – applies the linear trend in reduction of trip rates to the existing trip rates derived from TRICS.
  - Aspirational – Uses TRICS to derive person trips however presents more ambitious modal shift and targets for travel demand reduction in line with overall vision aspirations for the development.
- 5.313 This work is on-going.
- 5.314 We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Transport Assessment (A) – Overall Approach, Trip Rates and Generation

- 5.315 An "Aspirational" scenario has been put forward, which reflects the vision of the site and features various mode split, internalisation and localisation assumptions to baseline conditions as well as considering the Sustainable Transport Strategy proposals. It was discussed, during the meeting of the 5 June 2024, that while we

recognise that the development vision aspires to be ambitious, it should be plausible and where possible substantiated with evidence.

- 5.316 The applicant is requested to provide a table which summarises the overall key assumptions applied in each of the three forecast scenarios presented in terms of mode shift and the proposed sustainable corridor / highway link.
- 5.317 In conjunction with the development vision and details of how this will be realised, the applicant needs to provide evidence to justify the mode shares listed in the TA's Forecast Aspirational Mode Split table. The applicant is encouraged to present evidence from residential developments of a similar nature, which broadly replicate the public transport and active travel interventions being proposed.
- 5.318 The applicant is requested to update Table 3.9 in the TA with the correct mode shares for these trips.
- 5.319 The TA states that evidence of the analysis supporting the vision is contained within a spreadsheet in Appendix B of Volume 5 to substantiate the plausibility and practicality of aspirational forecasts. The applicant has now provided the spreadsheet. The applicant should provide further detail on how the historic trends spreadsheet has been used to derive person trips within the moderate scenario, such as what factor was applied from the line of best fit.
- 5.320 The applicant should provide a table which clarifies the assumptions applied in the trip generation forecast for each of the three modelled scenarios.
- 5.321 This evidence will aid decision making to determine a realistic scenario to be taken forward to inform any mitigation requirements. In addition, it may emerge that it is appropriate to implement a traffic monitoring regime coupled with defined triggers for any SRN mitigation requirements.
- 5.322 While the TA identifies mitigation requirements for the development, owing to the various outstanding matters, it is not possible to comment on this at this stage.
- 5.323 The applicant considers the existing and proposed infrastructure and journeys which are more conducive to active travel and public transport using a Red, Amber, Green system to score key routes and links to adjust mode shares to represent the likelihood of certain mode shares being achieved. This principle of considering mode shares for journey types and routes based on infrastructure available is an approach that is in principle accepted, however given the evidence supporting this analysis is missing a review of this cannot be undertaken at this stage.
- 5.324 The location characteristics of Greater London and Republic of Ireland differ from the proposed development site and their inclusion in the TRICS assessment may impact total person trip generation. The applicant is requested to provide a sensitivity test which shows the impact on the total person trip rates when all sites

within Greater London and the Republic of Ireland are excluded from the trip rate calculation.

- 5.325 The applicant identifies that only three sites meet the previous site selection criteria with an additional requirement for the development quantum to be a minimum of 600 dwellings. The results are not presented, as the applicant has descope all these sites due to not being close to a rail station. As the trips being derived are person trips, the proximity to a rail station should not be a reason to descope. The applicant is requested to provide a sensitivity test to compare the person trip rates for sites with a minimum 600 dwellings with the current rates used in the trip generation assessments.

#### Trip Distribution and Assignment

- 5.326 The proposed approach to distribute/assign trips onto the network is to utilise the KCC Strategic Transport Model. This approach is accepted in principle, and we will review the detail at such time that the vehicular traffic generation is agreed.
- 5.327 Mode shares applied to the locations of Sevenoaks and Ashford should be adjusted to reflect the Census Journey to Work mode split of 82%. The applicant is requested to present the impact of the above change to vehicle mode split.

#### Home Working Adjustment Factor

- 5.328 The applicant presents working from home assumption informed by an average of the 2011 and 2021 Census data outputs, recognising the challenges of using 2021 Census data for homeworking due to the national lockdown associated with Covid-19. Additionally, the applicant then includes a further 9.3% proportion for home working on top of the 20.7% average of Census 2011 and 2021 home working data.
- 5.329 Additional evidence to support the 30% homeworking proportion has been provided from NOMIS, Characteristics of homeworkers, Great Britain, September 2022 to January 2023. This study suggests that 16% of people in employment were working from home and 28% were hybrid working. The applicant has noted that assuming hybrid workers are 50% home based would suggest that the level of homeworking applied at 30% is realistic.
- 5.330 However, trends in homeworking are altering rapidly with many businesses now mandating a level of office working in addition to allocating certain days for attendance. It does not necessarily indicate that the levels of homeworking are the same on any given weekday and typically employees may be more likely to travel on neutral weekdays (Tuesday to Thursday). We recognise that future trends are challenging to predict with accuracy and given the TA approach is to test three forecast scenarios there is no need to revise the technical assessments purely on the basis of the homeworking target. Within the Framework Travel Plan there must be clear commitments to support the level of homeworking targeted through

measures such as excellent digital connectivity, home offices or communal working space.

### Traffic Modelling – Model Files

- 5.331 In light of the missing evidence to support the trip generation assessment, the traffic modelling analysis has not been reviewed in detail at this time.
- 5.332 M20 Junction 5 model files have been shared with National Highways. These have been reviewed. The applicant is required to amend the base year intercept values for each arm, with a particular focus on the M20 East arm for the 2023 Base Year PM Peak scenario, in order to better align the observed and modelled queues. Separate models for AM and PM peak periods are recommended so that the intercept value can be tailored to the specific time period. The amended values should then be replicated across the future year scenarios for review.
- 5.333 Model files for M20 J4 and M20 J6 were shared with National Highways on 9 July 2024. The review of these is in-progress. Detailed review and comment on these assessments will therefore follow in due course.
- 5.334 It is requested that geometric measurement drawings are provided for review.

### SRN Capacity Assessment/ Junction Modelling

- 5.335 In light of the distribution/assignment of flows, the applicant considers that the M20 J4, J5 and J6 require localised junction assessment given the quantum of traffic flows assigned through these junctions. However, as the trip generation and trip distribution/assignment is not agreed at this time, we are not currently in a position to be able to confirm whether the geographical extent of the traffic modelling is appropriate.
- 5.336 The applicant has confirmed that 2037 is considered a reasonable estimation of the full build out of the development site.
- 5.337 The model scenarios presented include the 2037 Reference Case, 2037 With Development Scenario 1 (Aspirational), 2037 With Development Scenario 2 (Moderate) and 2037 With Development Scenario 3 (Pessimistic).
- 5.338 An opening year assessment to include trips generated by the proposed development, forecasted growth and committed development is required to align with the requirements of DfT Circular 01/2022.
- 5.339 Paragraph 50 of Circular 01/2022 identifies “...*For multi-phase developments, additional assessments shall be provided based on the opening of each phase.....*” There are recognised sources of information regarding likely build out rates of other sites and National Highways would be pleased to discuss this further if helpful.

- 5.340 As discussed at the meeting on 5 June 2024, we will need to understand when, in terms of vehicular trips, any mitigation is expected to be required.
- 5.341 The proposed development is of a large scale, and it can reasonably be anticipated that the development will come forward in phases, and hence Paragraph 50 of Circular 01/2022 applies.

Committed Development

- 5.342 The applicant notes that Committed Developments have been extracted from the Planning portal and included within the modelling. Evidence of agreement of committed developments with TMBC needs to be provided.

Junction Mitigation

- 5.343 While we note that the applicant has suggested potential SRN mitigation, because of the various outstanding matters, we are unable to comment on this at this time.
- 5.344 Regarding M20 J6 the applicant identifies that the situation around M20 J6 is complex as there are already several mitigation schemes at the junction which are at varying degrees of development or certainty.
- 5.345 The applicant summarises the mitigation that they are aware of at M20 J6 in Table 2.10 of the Transport Assessment.
- 5.346 It is noted that the applicant refers to the M20 J6 Appellant case, however the applicant should be aware of two conditions that were secured as part of the Planning Appeal for the Bushey Wood Site (Ref: APP/H2265/W/23/3321880). Further detail can be obtained via the Planning Inspectorate using the reference aforementioned.
- 5.347 For the Bushey Wood site, the Inspector concludes that the SRN mitigation schemes are to be secured through the use of conditions, with the relevant condition 8 and 9 for the SRN mitigation schemes being copied below:

*“8. No more than 250 dwellings hereby permitted shall be occupied until the improvement scheme identified for M20 Junction 6 Running Horse Roundabout, as shown in i-Transport drawing ref: ITB9400-GA-046A (dated 20 September 2023), titled Proposed Arrangement – Southbound Off-slip from M20 Junction 6 Link Road, is completed and open to traffic.”*

*“9. No more than 250 dwellings hereby permitted shall be occupied until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout, as shown in i-Transport drawing ref: ITB9400-GA-044 (dated 30 August 2023), titled Proposed Arrangement for Northbound Slip of M20 Junction 6, is completed and open to traffic.”*

- 5.348 The applicant is requested to clarify which assessment scenarios include the aforementioned committed mitigation schemes.
- 5.349 In terms of any mitigation to the SRN that may be necessary to support the development, this will need to be identified, costed, and delivered by the developer(s) with governance managed through a s.278 agreement with National Highways. We will participate fully in relation to the further development and detailed approval of mitigation schemes (including safety checks), should they be required. However, National Highways will not accept contributions for mitigation schemes for the SRN.

### Collision Data Analysis

- 5.350 Collision data for the past 8 years (01/01/2015 to 31/03/2023) has been summarised including M20 J4, J5 and J6. At such time the development traffic impacts are agreed alongside supporting modelling, the applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.

### Travel Plan

- 5.351 A Framework Travel Plan is provided in Volume 4 Appendix B. However, as identified earlier within this response, supporting information relating to the development vision is missing. Upon receipt and review of this information, we be in a position to provide substantive comment on the submitted FTP.
- 5.352 The above represents our *current* requirements. As the analysis progresses, it is possible that further requirements may emerge.

### Conclusion

- 5.353 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and DLUHC NPPF December 2023 [particularly paras 114 to 117]). This response details the steps that need to be taken in order to resolve this issue.
- 5.354 In light of the above, National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months until 16 October 2024 to allow the applicant to resolve the outstanding matters.
- 5.355 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.

### Update at 15 July 2024

- 5.356 A meeting was held with the applicant's transport consultant on 5 June 2024 to discuss the outstanding matters. Model files for junctions on the SRN have been shared with National Highways for review.
- 5.357 **National Highways (24/12/2024)** - It is recommended that the application should not be determined until 7 February 2025. This recommendation can be replaced, renewed, or reviewed during this period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.358 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.
- 5.359 Since our response of 15 October 2024, we have reviewed further submissions from the applicant's transport consultant; this has included traffic modelling information, a geometric mitigation drawing for M20 Junction 5 and further collision analysis. It is noted that this additional analysis supersedes the Transport Assessment uploaded onto the planning portal and the version formally consulted by TMBC. Further additional information including M20 J6 traffic modelling information, a Local Model Validation Report and an updated geometric design for the proposed mitigation at M20 J5 was submitted to us on 12 December 2024. Comment on this latest additional information is not included within this response; however, this will follow subsequently. This response sets out the position considering all information submitted prior to 12 December 2024.
- 5.360 We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Transport Assessment – Overall Approach, Trip Rates and Generation

- 5.361 The applicant has considered Pessimistic, Moderate and Aspirational scenarios in terms of vehicular movements to and from the site.
- 5.362 The applicant has provided, as requested, a summary table detailing the key parameters of each of the three scenarios; forecast year, trip rate, modal shift assumptions and transport infrastructure. This clarity is welcomed.
- 5.363 The Aspirational and Moderate scenarios assume the development link is open to sustainable modes only, whereas the Pessimistic scenario assumes the development link is also open to vehicle traffic. The applicant has confirmed that the resultant assessments have factored in these infrastructure assumptions as the strategic modelling outputs have been used to inform the localised assessment of the SRN.

- 5.364 It can be challenging to identify comparable case studies for the various scenarios, and a monitoring regime tied to triggers for any required SRN mitigation (expressed in terms of vehicular traffic) will be necessary in order to provide further comfort to us.

Trip Distribution and Assignment

- 5.365 Vehicular trip distribution and assignment is agreed.

Home Working Adjustment Factor

- 5.366 We previously commented in relation to the degree of home working that may occur in the future. The applicant has stated:

*'The development proposals will include measures to promote home working by residents as far as possible by providing appropriate working spaces and highest quality digital connection within the new homes on the site. These measures will be outlined in an updated version of the Travel Plan as requested.'*

- 5.367 The applicant has produced an updated Framework Travel Plan (FTP) which includes firm commitments to outline active travel and public transport infrastructure improvements as well as a suite of measures to reduce travel demand. The FTP states that the site will be provided with fibre broadband providing high quality internet access, encouraging residents to work from home. There will be the provision of dedicated space to work from home in some dwellings, reducing the need to travel to work. The measures proposed to increase home working in order to seek to reduce the impact on the SRN are welcomed. Whilst considered ambitious, the home working adjustment factor tested in the aspirational scenario is agreed.

SRN Capacity Assessment/ Junction Modelling

- 5.368 M20 Junction 4 - The model files detailing the future year development impact assessment have been provided for review.
- 5.369 The model shows the junction operating within capacity in the 2037 Reference Case and across all development impact scenarios. We are content that no mitigation is required at M20 J4.
- 5.370 M20 Junction 5 - Separate models for the AM and PM peak periods have now been provided enabling the intercept values to be tailored by time period.
- 5.371 The resulting model queues for the north, south and west arms now better match the observed queue data. The PM peak queue for the east arm also matches the observed queue.
- 5.372 The TA acknowledges the congestion conditions within all three "with development" scenarios and as a result of the residual impact of the development,

a proposed mitigation scheme has been put forward by the applicant which seeks to improve capacity at the junction through signalisation of the M20 east, M20 west and Coldharbour lane approach arms.

- 5.373 The TA presents LinSig modelling outputs of the proposed mitigation scheme.
- 5.374 A geometric drawing of the mitigation scheme has been provided and subsequently updated to allow for a full DMRB review including the requested geometry dimensions. Confirmation of the entry path curvature on the westbound off slip is required as it does not seem to have been measured correctly.
- 5.375 The applicant has acknowledged that the existing departures / relaxations from standards for some parameters remain within the proposed layout. They have advised that a Provisional Agreement application for these will be submitted as appropriate. This is noted and applicable processes will need to be followed/completed with National Highways Departures team.
- 5.376 Based on earlier comments a design refinement to the M20 westbound exit arm from the roundabout has been proposed. It is noted that the exit width has been addressed, however in doing this, the design has introduced a reverse curve in the alignment which is not considered desirable. The applicant is required to confirm if a risk assessment has been undertaken to consider all solutions and confirm that this is the most appropriate and practical. The geometry of the curves introduced on the exit taper should be provided to ascertain if they are in accordance with the design speed.
- 5.377 The applicant is required to confirm if the blue hatch identified as National Highways Land Ownership is the actual highway boundary. A significant portion of this land will be required for the segregated left turn, including earthworks, verge, as well as any associated signage, Vehicle Restraint System (VRS) and other infrastructure. If the land is not dedicated highway, then further discussions will be required with National Highways Land Asset team to understand if the land is available for the highway improvement works.
- 5.378 Further consideration should be undertaken to accommodating hardstrips, verge width, VRS, earthworks and any other associated infrastructure required on the nearside verge on the segregated left turn lane.
- 5.379 With regards to the Stopping Sight Distance (SSD) on the segregated left turn lane, the applicant should provide the following as per CD116:

6.24 The desirable minimum SSD for the segregated left turn lane shall be the lesser of:

- 1) the SSD obtained from CD 109 [Ref 4.N] for the design speed of the approach;
- or,

2) the SSD given in Table 6.27 of this document (CD 109) appropriate to the maximum nearside curve radius.

6.25 The desirable minimum SSD for a segregated left turn lane shall be applied to the section of segregated left turn lane between the end of the entry taper and the start of exit taper.

6.26 The desirable minimum SSD on the segregated left turn lane up to the end of the entry taper and after the start of the exit taper shall be calculated in accordance with CD 109 [Ref 4.N].

Note that requirements and advice for the visibility on the approach to a segregated left turn lane are provided in CD 109 [Ref4.N]. The SSD is measured from the centre of the approach or exit lane to the centre of the segregated left turn lane.

6.27 The maximum curve radius used to determine the SSD from Table 6.27, shall be the greater of either the entry or exit radius of the segregated left turn lane.

- 5.380 It is also noted that the full SSD extents have not been provided in INSERT A of Drawing 22-031/48. These are required to be provided along with the other SSD requirements stated above.
- 5.381 With regards to the proposed road markings on the eastbound exit, the reduction taper and road markings should be in accordance with table 7-4 of TSM Chapter 5 as stated in CD122 paragraph 3.19.
- 5.382 It is acknowledged that the applicant has now submitted further information in this regard; we are currently reviewing this document and drawings and will provide further comment in due course.
- 5.383 A Stage 1 Road Safety Audit in compliance with GG 119 and WCHAR will be required to accompany the scheme proposals at the appropriate stage in the process.
- 5.384 The TA puts forward a trigger calculation for the mitigation scheme, indicating that it should be implemented on completion of between 450 and 700 dwellings, depending on which "With Development" scenario is used.
- 5.385 We consider it unclear how the trigger point has been calculated. The timing (in terms of vehicular trip threshold) for mitigation should be made based on detailed modelling evidence.
- 5.386 M20 Junction 6: Cobtree Roundabout - The applicant has provided separate AM and PM peak models for the Cobtree Roundabout, allowing for tailored intercept values to be applied. The base model queues now reasonably reflect the observed queue data and can be taken forward for the capacity assessment.

- 5.387 The model outputs show the junction operating over capacity in all scenarios.
- 5.388 The applicant's Response Note states that under the With Development Scenarios, the junctions continue to be forecast to operate over capacity with increases in queueing and delay on some approaches. The applicant states that potential improvement measures to mitigate the impact of the proposed development at M20 J6 will need to be investigated.
- 5.389 We consider that any required mitigation scheme should be assessed in tandem with proposals for the Running Horse Roundabout, given the proximity of the two junctions and the potential for queues from one roundabout to impact the other.
- 5.390 The applicant has questioned the requirement for modelling the roundabouts in tandem, citing two applications where modelling of the two junctions individually was accepted by National Highways. However, we do not consider the other applications to be comparable.
- 5.391 Significant anomalies were identified with the 2037 scenario traffic flow information.
- 5.392 It is acknowledged that the applicant has now submitted further information in this regard; we are currently reviewing this document and will provide further comment in due course. The applicant's suggestion of a financial contribution for improvements at Cobtree Roundabout are acknowledged. However, National Highways will not accept contributions for mitigation schemes for the SRN (for more details, please see the section of this NHPR titled 'Junction Mitigation').
- 5.393 Microsimulation Modelling: M20 Junction 6 - Running Horse Roundabout - The applicant has prepared a Model Scoping Note dated 04 September 2024 for the assessment of the M20 Junction 6 – Running Horse Roundabout using VISSIM.
- 5.394 The AM peak modelled (07:15-08:15) is earlier than what is conventionally modelled, however the traffic flow data confirms that this aligns with the busiest peak hour and the selected AM peak hour is accepted.
- 5.395 It is noted that the M20 mainline and the Cobtree Roundabout to the north are not included in the model network. Inclusion of the Cobtree Roundabout is critical to ensure correct lane discipline (which is noted to be one of the key concerns at this junction), therefore it is required to include this junction in the model network and the SRN merges/diverges, particularly as queues from both roundabouts extend back to and impact the operation of the other. The M20 mainline as well as both links parallel to the M20 mainline should also be included to assess the impacts at the merge / diverge sections. The model warm-up and cool-down periods are observed at only 15 minutes long, whereas we would typically expect at least one hour pre-peak and one-hour post-peak. Using Google traffic data, queues are present on the northern approach to the roundabout for around two hours in the AM peak, with notable queues also recorded in the PM peak on three approaches.

The pre-peak period length needs to be sufficient to ensure an accurate level of congestion builds up, otherwise validation of the model will be challenging. Traffic survey data should also be used to calculate flow profiles instead of using an 80% factor on peak hour traffic flows. The applicant is therefore required to select an appropriate length for the pre/post-peak period and base these flows on traffic survey data.

- 5.396 It is acknowledged that the applicant has now submitted further information in this regard; we are currently reviewing this and will provide further comment in due course.
- 5.397 The applicant is requested to present a LMVR (Local Model Validation Report) report for review once the model extent has been expanded to cover the required extent of the network, as well as include queue length data comparison between observed and modelled data, for the purposes of model validation.
- 5.398 It is highlighted that new TAG guidance for microsimulation has been issued, with additional calibration / validation-related requirements (for parameters such as exit / entry flows, convergence / stability measures).
- 5.399 The following information is requested to be provided by the applicant:
- Vehicle categories and composition;
  - Traffic flows and journey time comparisons;
  - Forecast demand methodology; and
  - A list of deliverables intended to be submitted alongside the model (i.e. Validation Report, drawings).
- 5.400 We reiterate that, once completed, the base year models should be submitted for review and agreement in advance of any work on forecast models being undertaken.
- 5.401 It is acknowledged that a LMVR and base model for M20 Junction 6 Running Horse Roundabout has been submitted and it currently being reviewed. Further comments on the acceptability of the material will be provided in due course.
- 5.402 Regarding forecast model assessments, the applicant has confirmed that the proposed vehicle types used in the model are Cars/Lights and HGVs which is accepted.
- 5.403 The applicant has confirmed that the forecast model assessments will comprise of the following:
- 2037 Do Minimum scenario – forecast reference case flows from strategic transport model + subsequent committed development traffic + Land SE of Totttingham Farm traffic up to WB diverge upgrade delivery trigger.

Infrastructure Assumptions: Existing network plus Bushey Wood mitigation of M20 off slip approach to Running Horse roundabout.

- 2037 With Dev Scenario 1 (Aspirational) – forecast aspirational scenario flows from strategic transport model + subsequent committed development traffic (incl. full Land SE of Tootingham Farm traffic). Infrastructure Assumptions: Do Minimum network plus proposed M20 WB diverge upgrade scheme.
- 2037 With Dev Scenario 2 (Moderate) – as above with forecast moderate scenario flows from strategic transport model.
- 2037 With Dev Scenario 3 (Pessimistic) – as above with pessimistic scenario flows from strategic transport model.

5.404 For clarity and the avoidance of doubt, it is requested that an updated microsimulation modelling scoping note is submitted.

#### Committed Development

5.405 The applicant has provided a list of committed developments – this list of developments matches those outlined as part of email correspondence between the applicant and the LPA.

5.406 Based on the above list and the inclusion of correspondence between the applicant and the LPA, we consider this list of committed developments to be appropriate. It is emphasised that the 'Bushey Wood appeal site' was subsequently granted consent by the planning inspectorate.

5.407 As requested, the applicant has provided clarity regarding how committed highway schemes are being captured in the modelling assessments. It has been confirmed that the M20 off-slip improvement associated with the Bushey Wood appeal site will be incorporated into the microsimulation model which is welcomed. The inclusion of the M20 Junction 6 Westbound Diverge Upgrade Scheme within the modelling assessment is accepted and it is confirmed that the A229 Bluebell Hill Corridor Improvement Scheme would not be required to be included in the modelling.

#### Junction Mitigation

5.408 In relation to the trigger point(s) for any SRN mitigation required, this should be expressed in terms of vehicular traffic. Development traffic should be monitored following first occupation of the development to ensure that any mitigation is delivered at the required time.

5.409 The applicant has outlined trigger points for each mitigation scheme, theoretically allowing the scheme to be implemented before the traffic impacts are deemed to be severe. The trigger point has been determined by plotting the 2037 Reference Case and With Development capacities of the worst-performing arm on a graph, with a trend line connecting the two values. The applicant has identified a point on the trend line representing the point at which the impact of the development could

be considered severe. The number of development trips was then used to calculate the number of dwellings that could be occupied before the improvement scheme is required.

- 5.410 It is unclear how the “appropriate point”, representing the amount of development traffic which would trigger the requirement for the improvement scheme, on the trend line has been calculated by the applicant.
- 5.411 The need, form and timing (in terms of vehicular trip thresholds) for mitigation should be made based on detailed modelling evidence. At Cobtree Roundabout, the applicant has suggested a financial contribution for improvements. In terms of any mitigation to the SRN that may be necessary to support the development, this will need to be identified, costed, and delivered by the developer(s) with governance managed through a s.278 agreement with National Highways. We will participate fully in relation to the further development and detailed approval of mitigation schemes (including safety checks), should they be required. However, National Highways will not accept contributions for mitigation schemes for the SRN.

### Collision Data Analysis

- 5.412 The collision data analysis concludes that in relation to M20 Junction 6 Running Horse Roundabout no trends are identified associated with the design of the road itself.
- 5.413 Additionally, in relation to M20 Junction 5 poor lane control appears to be responsible for a number of collisions at this junction, the proposed mitigation which adds road markings will seek to mitigate this.
- 5.414 Additionally, collision analysis has been provided at M20 Junction 4 during the period of 01/01/2015 to 31/03/2023. We are content that no mitigation is required at this location as the development impact is low.
- 5.415 No further action is required at these locations.
- 5.416 We previously set out that at such time the development traffic impacts are agreed (at M20 Junction 6 Cobtree Roundabout) alongside supporting modelling, the applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.
- 5.417 The collision analysis presented will be reviewed once the outcomes of the modelling are accepted and agreed. In terms of information reviewed by us at the time of writing, this action remains applicable.

### Travel Plan

- 5.418 An updated Framework Travel Plan (FTP) has been submitted for review which provides additional information regarding the development vision. The FTP

includes objectives, targets and a suite of measures including active travel and public transport infrastructure improvements as well as demand management measures. The measures are welcomed and whilst the reduction to reduce single occupancy car mode share is ambitious, it is expected that the site will be subject to a traffic monitoring regime, with the requirement for any SRN mitigation triggered by traffic threshold(s). The applicant is therefore incentivised to seek to minimise vehicular traffic.

5.419 The above represents our current requirements. As the analysis progresses, it is possible that further requirements may emerge.

5.420 We are continuing to engage constructively with the applicant and their technical advisors.

### Conclusion

5.421 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and NPPF December 2024 [particularly paras 115 to 118]). This response details the steps that need to be taken in order to resolve these matters.

5.422 In light of the above, National Highways currently recommends that planning permission not be granted until 7 February 2025 to allow the applicant to resolve the outstanding matters.

5.423 This recommendation can be replaced, renewed, or reviewed during the period up to 7 February 2025, or at its end, dependent on progress made with regards to the outstanding matters.

5.424 **National Highways** (07/02/2025) - It is recommended that the application should not be determined until 7 April 2025.

5.425 This recommendation can be replaced, renewed, or reviewed during this period, or at its end, dependent on progress made with regards to the outstanding matters.

5.426 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.

5.427 Since our response of 24 December 2024, we have reviewed further submissions from the applicant's transport consultant; this has included M20 J6 traffic modelling information including a 'Sensitivity Test Methodology', a Local Model Validation Report and an updated geometric design for the proposed mitigation at M20 J5. The applicant has also shared a project programme and a meeting was held on the 5 February 2025 to confirm the approach for delivery of the actions.

- 5.428 We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the SRN. In particular, the following comments should be passed onto the applicant:

Transport Assessment – Overall Approach, Trip Rates and Generation

- 5.429 The applicant has considered Pessimistic, Moderate and Aspirational scenarios in terms of vehicular movements to and from the site.
- 5.430 The applicant has provided, as requested, a summary table detailing the key parameters of each of the three scenarios; forecast year, trip rate, modal shift assumptions and transport infrastructure. This clarity is welcomed.
- 5.431 The Aspirational and Moderate scenarios assume the development link is open to sustainable modes only, whereas the Pessimistic scenario assumes the development link is also open to vehicle traffic. The applicant has confirmed that the resultant assessments have factored in these infrastructure assumptions as the strategic modelling outputs have been used to inform the localised assessment of the SRN.
- 5.432 It can be challenging to identify comparable case studies for the various scenarios, and a monitoring regime tied to triggers for any required SRN mitigation (expressed in terms of vehicular traffic) will be necessary in order to provide the necessary comfort to us.

Trip Distribution and Assignment

- 5.433 Vehicular trip distribution and assignment is agreed.

Home Working Adjustment Factor

- 5.434 The applicant has produced an updated Framework Travel Plan (FTP) which includes firm commitments to outline active travel and public transport infrastructure improvements as well as a suite of measures to reduce travel demand. The FTP states that the site will be provided with fibre broadband providing high quality internet access, encouraging residents to work from home. There will be the provision of dedicated space to work from home in some dwellings, reducing the need to travel to work. The measures proposed to increase home working in order to seek to reduce the impact on the SRN are welcomed. Whilst considered ambitious, the home working adjustment factor tested in the aspirational scenario is agreed.

SRN Capacity Assessment/Junction Modelling: M20 Junction 4

- 5.435 The model files detailing the future year development impact assessment have been provided for review.

5.436 The model shows the junction operating within capacity in the 2037 Reference Case and across all development impact scenarios. We are content that no mitigation is required at M20 J4.

SRN Capacity Assessment/ Junction Modelling: M20 Junction 5

5.437 Separate models for the AM and PM peak periods have now been provided enabling the intercept values to be tailored by time period.

5.438 The resulting model queues for the north, south and west arms now better match the observed queue data. The PM peak queue for the east arm also matches the observed queue.

5.439 The TA acknowledges the congestion conditions within all three “with development” scenarios. As a result of the residual impact of the development, a proposed mitigation scheme has been put forward by the applicant which seeks to improve capacity at the junction through signalisation of the M20 east, M20 west and Coldharbour lane approach arms.

5.440 The TA presents LinSig modelling outputs of the proposed mitigation scheme.

5.441 A geometric drawing of the mitigation scheme has been provided and subsequently updated to allow for a full DMRB review including the requested geometry dimensions. Further information has been requested to inform the appropriateness of the design from a 3D perspective.

5.442 The applicant has acknowledged that the existing departures/ relaxations from standards for some parameters remain within the proposed layout. They have advised that a Provisional Agreement application for these will be submitted as appropriate. This is noted and applicable processes will need to be followed/completed with National Highways Departures team.

5.443 Whilst drawings have been provided, as they are in RASTER format the 3D levels are illegible. Clear PDF files for the cross sections should be supplied for review.

5.444 Additionally, the datum level changes on each section. Consistent datum levels should be used, allowing a comparison across cross sections.

5.445 The applicant supplied LIDAR data however it does not seem to pick up the existing road, which would be expected to be visible. Given the site is significantly constrained, it may be more appropriate for a topo or spot levels to be undertaken to ensure the design can be accommodated and is safe. Additionally, it is noted that not all of the assets impacted are identified by the applicant. The applicant is required to provide the missing information including LIDAR reviews and for all assets to be identified to ensure the design can be reviewed.

5.446 The applicant should provide standard cross sections in relation to CD127 including confirmation of earthwork slope grades (i.e. 1 in 1).

- 5.447 Confirmation that suitable verge width will be available to accommodate the envisaged additional assets to be located in the new verge is required.
- 5.448 The applicant advised that highway boundary information was added to the submitted M20 J5 Mitigation drawing. From review of the previous information provided, the highway boundary (highway maintained at public expense) does not reflect what is on the submitted drawings. The drawing provides the land ownership information, which is different to highway boundary information. Even though National Highways may own the land, there is an area identified that is Kent County Council highways. The applicant is required to update the drawing in accordance with the National Highways correspondence dated 05 December 2024.
- 5.449 Further consideration should be undertaken to accommodating hardstrips, verge width, VRS, earthworks and any other associated infrastructure required on the nearside verge on the segregated left turn lane.
- 5.450 With regards to the Stopping Sight Distance (SSD) on the segregated left turn lane, the applicant should provide the following as per CD116:
- 6.24 The desirable minimum SSD for the segregated left turn lane shall be the lesser of:
- the SSD obtained from CD 109 [Ref 4.N] for the design speed of the approach; or,
  - the SSD given in Table 6.27 of this document (CD 109) appropriate to the maximum nearside curve radius.
- 6.25 The desirable minimum SSD for a segregated left turn lane shall be applied to the section of segregated left turn lane between the end of the entry taper and the start of exit taper.
- 6.26 The desirable minimum SSD on the segregated left turn lane up to the end of the entry taper and after the start of the exit taper shall be calculated in accordance with CD 109 [Ref 4.N].
- Note that requirements and advice for the visibility on the approach to a segregated left turn lane are provided in CD 109 [Ref4.N]. The SSD is measured from the centre of the approach or exit lane to the centre of the segregated left turn lane.
- 6.27 The maximum curve radius used to determine the SSD from Table 6.27, shall be the greater of either the entry or exit radius of the segregated left turn lane.
- 5.451 It is also noted that the full SSD extents have not been provided in INSERT A of Drawing 22-031/48. These are required to be provided along with the other SSD requirements stated above.

- 5.452 With regards to the proposed road markings on the eastbound exit, the reduction taper and road markings should be in accordance with table 7-4 of TSM Chapter 5 as stated in CD122 paragraph 3.19.
- 5.453 A Stage 1 Road Safety Audit in compliance with GG 119 and WCHAR will be required to accompany the scheme proposals at the appropriate stage in the process.
- 5.454 The TA puts forward a trigger calculation for the mitigation scheme, indicating that it should be implemented on completion of between 450 and 700 dwellings, depending on which “With Development” scenario is used.
- 5.455 We consider it unclear how the trigger point has been calculated. The timing (in terms of vehicular trip threshold) for mitigation should be made based on detailed modelling evidence.
- 5.456 Ongoing discussions are taking place with the applicant regarding the identification of a vehicle trip threshold in response to the above action.

SRN Capacity Assessment/Junction Modelling: M20 Junction 6 - Cobtree Roundabout

- 5.457 The applicant has provided separate AM and PM peak models for the Cobtree Roundabout, allowing for tailored intercept values to be applied. The base model queues now reasonably reflect the observed queue data and can be taken forward for the capacity assessment.
- 5.458 The model outputs show the junction operating over capacity in all scenarios.
- 5.459 The applicants Response Note states that under the With Development Scenarios, the junctions continue to be forecast to operate over capacity with increases in queueing and delay on some approaches. The applicant states that potential improvement measures to mitigate the impact of the proposed development at M20 J6 will need to be investigated.
- 5.460 We consider that any required mitigation scheme should be assessed in tandem with proposals for the Running Horse Roundabout, given the proximity of the two junctions and the potential for queues from one roundabout to impact the other.
- 5.461 The applicant has questioned the requirement for modelling the roundabouts in tandem, citing two applications where modelling of the two junctions individually was accepted by National Highways. However, we do not consider the other applications to be comparable.
- 5.462 Significant anomalies were identified with the 2037 scenario traffic flow information and the applicant has submitted additional information in this regard.

- 5.463 Following a meeting held with the applicant on the 19 December 2024 it was agreed that assessment of traffic impacts at M20 Junction 6 would be undertaken using a manual 'first principles' approach utilising a modelling methodology that reflects the interaction between Cobtree and Running Horse roundabouts.
- 5.464 The applicant submitted a Technical Note to us for review, 'M20 J6 Sensitivity Test Methodology – January 2025 (22-031-R2010 Rev -)' which focused on the approach for trip distribution and assignment, assessment years, committed development and assessment methodology.
- 5.465 Several actions were identified as set out below, which we understand are currently being worked through by the applicant.

SRN Capacity Assessment/Junction Modelling: Development Trip Distribution and Assignment

- 5.466 The applicant assumes that 60% of the traffic will access Maidstone using the M20 'collector road' between M20 Junctions 5 and 6 (impacting both Cobtree roundabout and Running Horse Roundabout), and 40% will access Maidstone using Forstal Road (thereby only impacting the Running Horse Roundabout).
- 5.467 However, the Journey Time Screenshots show that the route using the Cobtree Roundabout and Running Horse Roundabout is both a shorter distance and generally a shorter travel time at peak periods.
- 5.468 Additionally, the 'typical' journey time shown on Google maps journey times for a specific date and day actually uses historic data to define the journey time range, and therefore will not fully account for the recently installed KCC improvement scheme known as the 'turbo roundabout'.
- 5.469 Consequently, we request that the development trips for destinations E02005069: Maidstone 002 and E02005071: Maidstone 004 should all be routed via the M20 'collector road' between Junctions 5 and 6.

SRN Capacity Assessment/Junction Modelling: Forecast Scenarios

- 5.470 The methodology identifies the traffic flow scenarios to be tested, identifying 2037 Do Minimum, and three 2037 with development scenarios using the 'aspirational', 'moderate', and 'pessimistic' trip generation agreed.
- 5.471 Additionally a development opening year assessment should be prepared in accordance with DfT Circular 01/2022.

SRN Capacity Assessment/Junction Modelling: Committed Development – Background Traffic Growth

- 5.472 The use of adjusted TempPro growth rates has been accepted in principle, however the TEMPPro growth rates should use the 'Motorway' road type for defining growth as the roundabouts provide direct connections to the Motorway network.

SRN Capacity Assessment/Junction Modelling: Assessment Methodology

- 5.473 The assessment modelling will be undertaken in Junctions 11 software, and that the 'Lane Simulation' function will be used to assess the forecast interaction between the two roundabouts.
- 5.474 The principle of this is accepted, however it is important to identify that the arms that travel between the two roundabouts need to be explicitly linked within the software as well as lane simulation used. The appropriate arms should be connected within the junction diagram screen, using the connect button, with the appropriate parameters within the 'traffic demand – linked arm' screen correctly input.
- 5.475 Lane simulation will more accurately model interaction between the two roundabouts as well as more accurately considering lane utilisation of the roundabout approaches, and therefore should be used to consider both linkage and lane utilisation.

SRN Capacity Assessment/Junction Modelling: Network Coding

- 5.476 It should be ensured that all arms approaching the Running Horse Roundabout are updated to account for the change in lane designation enacted by the KCC improvement scheme.

SRN Capacity Assessment/Junction Modelling: Calibration/ Validation

- 5.477 Calibration should be undertaken at Cobtree roundabout, with consideration on the location where the Running Horse survey video identifies a change in the A229 (N) approach from Cobtree Roundabout. This is required because of changes to the Running Horse Roundabout operation as a result of the 'turbo' layout will alter the frequency and likelihood of blocking back to Cobtree Roundabout impacting the existing calibration.
- 5.478 It should be ensured that updated calibration accounts for the use of linking and lane simulation within the updated modelling, at both Cobtree Roundabout and Running Horse Roundabout.

SRN Capacity Assessment/Junction Modelling: Assessment Outputs

- 5.479 The applicant identifies that the use of lane simulation limits the results outputs available, in particular that RFC output is not provided. However, this is only the case for arm-based results and lane-based RFC, queue and delay should be provided to allow assessment of the development impact.

- 5.480 It is acknowledged that the applicant has now submitted further information in this regard; we are currently reviewing this document and will provide further comment in due course.
- 5.481 The applicant's suggestion of a financial contribution for improvements at Cobtree Roundabout are acknowledged. However, National Highways will not accept contributions for mitigation schemes for the SRN (for more details, please see the section of this NHPR titled 'Junction Mitigation').

SRN Capacity Assessment/Junction Modelling: Microsimulation Modelling - M20 Junction 6

- 5.482 Whilst it is understood that a microsimulation model is being prepared for the Running Horse Roundabout, given that a review of the base model has identified clear interaction between the Running Horse and Cobtree roundabouts, the linked Junctions 10/11 assessment is expected to form the basis of our view of the need for, form of and timing of mitigation at M20 Junction 6.

Junction Mitigation

- 5.483 At Cobtree Roundabout, the applicant has suggested a financial contribution for improvements. In terms of any mitigation to the SRN that may be necessary to support the development, this will need to be identified, costed, and delivered by the developer(s) with governance managed through a s.278 agreement with National Highways. We will participate fully in relation to the further development and detailed approval of mitigation schemes (including safety checks), should they be required. However, National Highways will not accept contributions for mitigation schemes for the SRN.

Collision Data Analysis

- 5.484 The collision data analysis concludes that in relation to M20 Junction 6 Running Horse Roundabout no trends are identified associated with the design of the road itself.
- 5.485 Additionally, in relation to M20 Junction 5 poor lane control appears to be responsible for a number of collisions at this junction, the proposed mitigation which adds road markings will seek to mitigate this.
- 5.486 Additionally, collision analysis has been provided at M20 Junction 4 during the period of 01/01/2015 to 31/03/2023. We are content that no mitigation is required at this location as the development impact is low.
- 5.487 No further action is required at these locations.
- 5.488 We previously set out that at such time the development traffic impacts are agreed (at M20 Junction 6 Cobtree Roundabout) alongside supporting modelling, the

applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.

- 5.489 The collision analysis presented will be reviewed once the outcomes of the modelling are accepted and agreed. In terms of information reviewed by us at the time of writing, this action remains applicable.

### Travel Plan

- 5.490 An updated Framework Travel Plan (FTP) has been submitted for review which provides additional information regarding the development vision. The FTP includes objectives, targets and a suite of measures including active travel and public transport infrastructure improvements as well as demand management measures. The measures are welcomed and whilst the reduction to reduce single occupancy car mode share is ambitious, it is expected that the site will be subject to a traffic monitoring regime, with the requirement for any SRN mitigation triggered by traffic threshold(s). The applicant is therefore incentivised to seek to minimise vehicular traffic.
- 5.491 The above represents our current requirements. As the analysis progresses, it is possible that further requirements may emerge.
- 5.492 We are continuing to constructively engage with the applicant and their technical advisors.

### Conclusion

- 5.493 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN.
- 5.494 National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of two months until 7 April 2025 to allow the applicant to resolve the outstanding matters.
- 5.495 This recommendation can be replaced, renewed, or reviewed during the two-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.496 **National Highways** (01/04/25) - We are concerned about the safety, reliability, and operational efficiency of the Strategic Road Network (SRN), in this case the M20 in the vicinity of the site.
- 5.497 We have reviewed the additional information you have highlighted which is the 'Response Note 2 to KCC Highways' (March 2025).
- 5.498 Given that Response Note 2 addresses matters raised by Kent County Council (KCC) Highways who are responsible for the Local Road Network, we are content

to maintain our formal National Highways' Planning Response (NHPR) of 7 February 2025.

- 5.499 It is acknowledged that KCC request to be involved in future discussions regarding the SRN mitigation and the applicant confirms within Response Note 2 that this will be coordinated. This is welcomed.
- 5.500 **National Highways** (07/04/25) - It is recommended that the application should not be determined until 7 July 2025.
- 5.501 This recommendation can be replaced, renewed, or reviewed during this period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.502 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.
- 5.503 Since our response of 7 February 2025, we have reviewed further submissions from the applicant's transport consultant; this has included M20 J6 Linked ARCADY assessment, M20 J6 Microsimulation Model as well as additional geometric and land ownership information regarding the M20 J5 proposed mitigation design and the associated trigger point assessment.
- 5.504 A meeting was held with the applicant on the 13 February 2025 to confirm the approach for delivery of the actions.
- 5.505 Whilst some matters have been satisfactorily resolved, we require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network. In particular, the following comments should be passed onto the applicant:

Transport Assessment – Overall Approach, Trip Rates and Generation

- 5.506 The applicant has considered Pessimistic, Moderate and Aspirational scenarios in terms of vehicular movements to and from the site.
- 5.507 The applicant has provided, as requested, a summary table detailing the key parameters of each of the three scenarios; forecast year, trip rate, modal shift assumptions and transport infrastructure. This clarity is welcomed.
- 5.508 The Aspirational and Moderate scenarios assume the development link is open to sustainable modes only, whereas the Pessimistic scenario assumes the development link is also open to vehicle traffic. The applicant has confirmed that the resultant assessments have factored in these infrastructure assumptions as the strategic modelling outputs have been used to inform the localised assessment of the SRN.

- 5.509 It can be challenging to identify comparable case studies for the various scenarios, and a monitoring regime tied to triggers for any required SRN mitigation (expressed in terms of vehicular traffic) will be necessary in order to provide the necessary comfort to us.
- 5.510 The applicant has proposed a trigger point for the implementation of the identified scheme at M20 J5 which has been assessed and it is considered likely to be acceptable subject to appropriate planning condition(s) being agreed which will include reference to the Monitor and Manage strategy. We are currently working with the applicant with a view to agreeing appropriate planning condition(s) for recommendation.

Trip Distribution and Assignment

- 5.511 Vehicular trip distribution and assignment is agreed.

Home Working Adjustment Factor

- 5.512 The applicant has produced an updated Framework Travel Plan (FTP) which includes firm commitments to outline active travel and public transport infrastructure improvements as well as a suite of measures to reduce travel demand. The FTP states that the site will be provided with fibre broadband providing high quality internet access, encouraging residents to work from home. There will be the provision of dedicated space to work from home in some dwellings, reducing the need to travel to work. The measures proposed to increase home working in order to seek to reduce the impact on the SRN are welcomed. Whilst considered ambitious, the home working adjustment factor tested in the aspirational scenario is agreed.

SRN Capacity Assessment/ Junction Modelling

M20 Junction 4

- 5.513 The model files detailing the future year development impact assessment have been provided for review.
- 5.514 The model shows the junction operating within capacity in the 2037 Reference Case and across all development impact scenarios. We are content that no mitigation is required at M20 J4.

M20 Junction 5

- 5.515 Separate models for the AM and PM peak periods have now been provided enabling the intercept values to be tailored by time period.
- 5.516 The resulting model queues for the north, south and west arms now better match the observed queue data. The PM peak queue for the east arm also matches the observed queue.

- 5.517 The TA acknowledges the congestion conditions within all three “with development” scenarios. As a result of the residual impact of the development, a proposed mitigation scheme has been put forward by the applicant which seeks to improve capacity at the junction through signalisation of the M20 east, M20 west and Coldharbour lane approach arms.
- 5.518 The TA presents LinSig modelling outputs of the proposed mitigation scheme.
- 5.519 A geometric drawing of the mitigation scheme has been provided and subsequently updated to allow for a full DMRB review including the requested geometry dimensions. The additional information provided in relation to street furniture relocation, LIDAR data, visibility splays and land ownership have confirmed resolution of these action points. However, the updated cross-section at chainage 300 still indicates that the proposed levels are significantly below the existing levels. The applicant should confirm that as part of the mitigation delivery there are no plans to excavate the existing slip road to accommodate the scheme design.
- 5.520 Additionally, it is noted that the developer will need to enter into a Section 278 agreement with National Highways prior to commencing any works that are on the SRN.
- 5.521 The applicant has acknowledged that the existing departures/ relaxations from standards for some parameters remain within the proposed layout. They have advised that a Provisional Agreement application for these will be submitted as appropriate.
- 5.522 This is noted and applicable processes will need to be followed/completed with National Highways Departures team.
- 5.523 A Stage 1 Road Safety Audit in compliance with GG 119 and WCHAR will be required to accompany the scheme proposals at the appropriate stage in the process.

### M20 Junction 6: Cobtree Roundabout

- 5.524 The applicant has provided separate AM and PM peak models for the Cobtree Roundabout, allowing for tailored intercept values to be applied. The base model queues now reasonably reflect the observed queue data and can be taken forward for the capacity assessment.
- 5.525 The model outputs show the junction operating over capacity in all scenarios.
- 5.526 The applicants Response Note states that under the With Development Scenarios, the junctions continue to be forecast to operate over capacity with increases in queueing and delay on some approaches. The applicant states that potential improvement measures to mitigate the impact of the proposed development at M20 J6 will need to be investigated.

- 5.527 We consider that any required mitigation scheme should be assessed in tandem with proposals for the Running Horse Roundabout, given the proximity of the two junctions and the potential for queues from one roundabout to impact the other.
- 5.528 Following a meeting held with the applicant on the 19 December 2024 it was agreed that assessment of traffic impacts at M20 Junction 6 would be undertaken using a manual 'first principles' approach utilising a modelling methodology that reflects the interaction between Cobtree and Running Horse roundabouts.
- 5.529 The applicant submitted a Technical Note to us for review, 'M20 J6 Sensitivity Test Methodology – January 2025 (22-031-R2010 Rev -)' which focused on the approach for trip distribution and assignment, assessment years, committed development and assessment methodology. This was reviewed and actions raised which have since been resolved and applied in the final modelling methodology.
- 5.530 Based on the review of the final model results, it is recommended that no further mitigation over and above what is already committed is required. The following committed mitigation schemes are inherent in all of the assessments of M20 J6:
- Mitigation Scheme 1 - Bushey Wood Committed Scheme (EB M20 off-slip approach to Cobtree roundabout, as shown in i-Transport drawing ITB9400-GA-044 dated 30 August 2023);
  - Mitigation Scheme 2 - The Bushey Wood Committed Scheme (WB M20 off-slip approach to Running Horse roundabout, as shown in i-Transport drawing ITB9400-GA-047 dated 30 August 2023); and
  - Mitigation Scheme 3 - The Tottington Farm Committed Scheme (WB M20 offslip diverge as shown in C&A drawing 20-078-016 Rev A dated May 2023).
- 5.531 The analysis with and without the proposed development has been carried out with the aforementioned mitigation assumed to be in place. Based on the evidence presented, the mitigation associated with the other developments is required as a prerequisite to the Kiln Barn Road Development. Consequently, ongoing discussions are taking place with the applicant to discuss this and agree a methodology for equitable trigger points based on the trigger points identified for each of the committed schemes, with consideration given to the relationship with the monitor and manage approach.
- 5.532 The applicant's suggestion of a financial contribution for improvements at Cobtree Roundabout are acknowledged. However, National Highways will not accept contributions for mitigation schemes for the SRN (for more details, please see the section of this NHPR titled 'Junction Mitigation').

#### Microsimulation Modelling - M20 Junction 6

- 5.533 Whilst it is understood that a microsimulation model is being prepared for the Running Horse Roundabout, given that a review of the base model has identified clear interaction between the Running Horse and Cobtree roundabouts, the linked

Junctions 10/11 assessment is expected to form the basis of our view of the need for, form of and timing of mitigation at M20 Junction 6.

### Junction Mitigation

- 5.534 At Cobtree Roundabout, the applicant has suggested a financial contribution for improvements. In terms of any mitigation to the SRN that may be necessary to support the development, this will need to be identified, costed, and delivered by the developer(s) with governance managed through a s.278 agreement with National Highways. We will participate fully in relation to the further development and detailed approval of mitigation schemes (including safety checks), should they be required. However, National Highways will not accept contributions for mitigation schemes for the SRN.

### Collision Data Analysis

- 5.535 The collision data analysis concludes that in relation to M20 Junction 6 Running Horse Roundabout no trends are identified associated with the design of the road itself.
- 5.536 Additionally, in relation to M20 Junction 5 poor lane control appears to be responsible for a number of collisions at this junction, the proposed mitigation which adds road markings will seek to mitigate this.
- 5.537 Additionally, collision analysis has been provided at M20 Junction 4 during the period of 01/01/2015 to 31/03/2023. We are content that no mitigation is required at this location as the development impact is low.
- 5.538 No further action is required at these locations.
- 5.539 We previously set out that at such time the development traffic impacts are agreed (at M20 Junction 6 Cobtree Roundabout) alongside supporting modelling, the applicant will need to consider whether any existing accident trends are likely to be exacerbated by the proposed development.
- 5.540 The collision analysis presented will be reviewed once the outcomes of the modelling are accepted and agreed including trigger thresholds. In terms of information reviewed by us at the time of writing, this action remains applicable.

### Travel Plan

- 5.541 An updated Framework Travel Plan (FTP) has been submitted for review which provides additional information regarding the development vision. The FTP includes objectives, targets and a suite of measures including active travel and public transport infrastructure improvements as well as demand management measures. The measures are welcomed and whilst the reduction to reduce single occupancy car mode share is ambitious, it is expected that the site will be subject to a traffic monitoring regime, with the requirement for any SRN mitigation

triggered by traffic threshold(s). The applicant is therefore incentivised to seek to minimise vehicular traffic.

5.542 The above represents our current requirements. As the analysis progresses, it is possible that further requirements may emerge.

5.543 We are continuing to constructively engage with the applicant and their technical advisors.

#### Conclusion

5.544 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN.

5.545 National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months until 7 July 2025 to allow the applicant to resolve the outstanding matters.

5.546 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.

5.547 **National Highways (07/07/25)** - It is recommended that the application should not be determined until 8 September 2025.

5.548 This recommendation can be replaced, renewed, or reviewed during this period, or at its end, dependent on progress made with regards to the outstanding matters.

5.549 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.

5.550 Since our response of 7 April 2025, we have engaged constructively with the applicant's consultant to resolve the outstanding SRN-related matters.

5.551 A mitigation scheme for M20 Junction 5 has been identified. This is subject to the Road Safety Audit (RSA) (Stage 1) process. This process is at an advanced stage.

5.552 We are in regular contact with the consultant with the objective of resolving the outstanding matters by the beginning of August 2025.

#### Transport Assessment – Overall Approach, Trip Rates and Generation

5.553 The applicant has considered Pessimistic, Moderate and Aspirational scenarios in terms of vehicular movements to and from the site.

- 5.554 The Aspirational and Moderate scenarios assume the development link is open to sustainable modes only, whereas the Pessimistic scenario assumes the development link is also open to vehicle traffic. The applicant has confirmed that the resultant assessments have factored in these infrastructure assumptions as the strategic modelling outputs have been used to inform the localised assessment of the SRN.
- 5.555 It can be challenging to identify comparable case studies for the various scenarios, and a monitoring regime tied to triggers for any required SRN mitigation (expressed in terms of vehicular traffic) will be necessary in order to provide the necessary comfort to us.
- 5.556 We are currently working with the applicant with a view to agreeing appropriate planning condition(s) for recommendation. This will include reference to the Monitor and Manage strategy for mitigation at M20 J5 and M20 J6.

### M20 Junction 5 Mitigation Scheme

- 5.557 The TA acknowledges the congestion conditions within all three “with development” scenarios. As a result of the residual impact of the development, a proposed mitigation scheme has been put forward by the applicant which seeks to improve capacity at the junction through signalisation of the M20 east, M20 west and Coldharbour lane approach arms.
- 5.558 The applicant has acknowledged that the existing departures/ relaxations from standards for some parameters remain within the proposed layout. Provisional Agreement for the departure was given by National Highways on 19 May 2025. It is agreed that the departure is critical to the scheme delivery and that, from the information provided, it appears that the principle of the departure is acceptable and is likely to be approvable if supported by sufficient justification as part of a full departure application. A full departure from standard application will be required at a future stage in the process. This full application will need to be approved.
- 5.559 A Stage 1 Road Safety Audit in compliance with GG 119 has been undertaken and the applicant should provide the Designer’s Response to the items raised in the Road Safety Audit Report in line with applicable processes for our review and input as the Overseeing Organisation. This action is currently in progress with ongoing discussion taking place with the applicant.
- 5.560 A Walking, Cycling & Horse-Riding Assessment and Review (WCHAR) has been prepared by the applicant and updated following a non-motorised user survey. The updated WCHAR is appropriate.

### M20 Junction 6: Mitigation Schemes

- 5.561 The applicant submitted a Technical Note to us for review, ‘M20 J6 Sensitivity Test Methodology – January 2025 (22-031-R2010 Rev -) which focused on the

approach for trip distribution and assignment, assessment years, committed development and assessment methodology. This was reviewed and actions raised which have since been resolved and applied in the final modelling methodology.

- 5.562 Based on the review of the final model results, it is recommended that no further mitigation over and above what is already committed is required. The following committed mitigation schemes are inherent in all of the assessments of M20 J6:
- Mitigation Scheme 1 - Bushey Wood Committed Scheme (EB M20 off-slip approach to Cobtree roundabout, as shown in i-Transport drawing ITB9400-GA-044 dated 30 August 2023);
  - Mitigation Scheme 2 - The Bushey Wood Committed Scheme (WB M20 off-slip approach to Running Horse roundabout, as shown in i-Transport drawing ITB9400-GA-047 dated 30 August 2023); and
  - Mitigation Scheme 3 - The Tottington Farm Committed Scheme (WB M20 offslip diverge as shown in C&A drawing 20-078-016 Rev A dated May 2023).
- 5.563 The analysis with and without the proposed development has been carried out with the aforementioned mitigation assumed to be in place. Based on the evidence presented, the mitigation associated with the other developments is required as a prerequisite to the Kiln Barn Road Development. Consequently, ongoing discussions are taking place with the applicant to discuss this and agree a methodology for equitable trigger points based on the trigger points identified for each of the committed schemes, with consideration given to the relationship with the monitor and manage approach.
- 5.564 The above represents our *current* requirements.
- 5.565 We continue to engage constructively with the applicant and their technical advisors.

### Conclusion

- 5.566 Given the above, ongoing discussions are taking place regarding the outcomes of the M20 J5 Road Safety Audit and agreement on M20 J6 trigger points with reference to the monitor and manage strategy to inform draft condition wording.
- 5.567 National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of two months until 8 September 2025 to allow the applicant to resolve the outstanding matters.
- 5.568 This recommendation can be replaced, renewed, or reviewed during the two-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.569 **National Highways** (08/09/25) - Recommend that conditions should be attached to any planning permission that may be granted: Reasons

- 5.570 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 near East Malling.
- 5.571 Since our response of 7 July 2025, the applicant has shared additional information with National Highways which has resolved the outstanding SRN-related matters.
- 5.572 This includes the Stage 1 Road Safety Audit (Report and Response Report) for the proposed mitigation at M20 Junction 5. We were engaged with this process, and we are satisfied that the Audit has been prepared in accordance with the requirements of the Design Manual for Roads and Bridges (DMRB) GG 119 document.
- 5.573 Having assessed application 24/00372/PA we are content that the proposal, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (M20) provided that the following conditions are imposed, reflecting DfT Circular 01/2022 and NPPF 2024 paras. 115-118:

1. Highways Mitigation Strategy – Monitor and Manage

- 5.574 Condition: Prior to the first occupation of the development hereby permitted, a detailed highways 'Monitor and Manage Strategy' (MMS) shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with National Highways.
- 5.575 The MMS shall set out details of monitoring of vehicles to and from the development during its occupation and a methodology to determine the actual traffic impacts of the occupied dwellings in terms of traffic flow changes, changes to road safety risk, and changes in traffic conditions (queue lengths and delays) on the M20 Junctions 5 and 6. The information shall be set out in a report and be used to validate the appropriateness and timing of the implementation of the measures in the approved Travel Plan.
- 5.576 Reason: In the interests of highways safety and to support a vision led approach to development so the likely impacts of the proposal can be assessed and monitored in accordance with para 118 of the NPPF and to minimise traffic generated by the development and to ensure that the M20 Junctions 5 & 6 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

2. M20 J5 Highways Mitigation

- 5.577 Condition: Subject to the validation of the outcomes of the highways Monitor and Management Strategy (MMS), no more than 180 two-way vehicle trips during the AM peak (08:00-09:00) and/or 120 two-way vehicle trips during the PM peak (17:00-18:00) for the development hereby permitted shall be allowed until the

improvement scheme identified for M20 Junction 5, as shown in approved drawing ref: 22-031/049\_Rev F in the Stage 1 Road Safety Audit Response Report (22-031-021 Rev - July 2025), is complete and open to traffic.

- 5.578 Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 118 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.
- 5.579 Informative: In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 180 two-way vehicle trips during the AM peak (08:00-09:00) and/or 120 two-way vehicle trips during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 5 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.

### 3. M20 J6 Highways Mitigation - Northbound Slip of M20 Junction 6 to Cobtree Roundabout

- 5.580 Condition: Subject to the validation of the outcomes of the highways Monitor and Manage Strategy (MMS), no further occupation of dwellings shall occur at such time that the development aggregately would generate from the site accesses more than 79 total departure trips in the PM peak hour (17:00 – 18:00) until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout, as shown in approved drawing ref: ITB9400-GA-044 (dated 30 August 2023), titled 'Proposed Arrangement for Northbound Slip of M20 Junction 6', is complete and open to traffic.
- 5.581 Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 116 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.
- 5.582 Informative: In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 79 departure vehicle trips during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 6 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.

### 4. M20 J6 Highways Mitigation - Westbound Diverge to Running Horse Roundabout

- 5.583 Condition: Subject to the validation of the outcomes of the highways Monitor and Manage Strategy (MMS), no further occupation of dwellings shall occur at such

time that the development aggregately would generate from the site accesses 156 or more total arrivals trips in the PM peak hour (17:00-18:00) until the improvement scheme identified for the M20 Junction 6 Westbound Diverge, as shown in approved drawing ref: 20-078-008 Rev H (dated April 2024), titled 'Proposed M20 J6 Diverge Upgrade', is complete and open to traffic.

5.584 Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 116 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.

5.585 Informative: In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 156 vehicle trip arrivals during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 6 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.

#### 5. Construction Traffic Management Plan

5.586 Condition: Save for preliminary works, prior to the commencement of development hereby permitted a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The CTMP shall include as a minimum:

(a) Routing of construction and delivery vehicles to / from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries and permitted construction traffic arrival and departure times, avoiding network and school peaks where possible

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

(f) Details of construction phasing

(g) Measures to prevent the discharge of surface water onto the highway.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with National Highways.

5.587 Reason: In the interests of highways safety and to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in

accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with para 115 of the NPPF.

#### 6. Travel Plan

5.588 Condition: The development hereby permitted shall not be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:

- the identification of targets for trip reduction and modal shift,
- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements,
- the timetable/ phasing of the implementation of the Travel Plan measures shall be alongside occupation of the development and its operation thereafter,
- the mechanisms for monitoring and review,
- the mechanisms for reporting,
- the remedial measures to be applied in the event that targets are not met,
- the mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The development shall only be occupied in accordance with the approved Travel Plan which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in consultation with National Highways.

5.589 Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2024) and paragraph 40 of DfT Circular 01/2022.

5.590 **National Highways** (02/01/26) - We are concerned about the safety, reliability, and operational efficiency of the Strategic Road Network (SRN), in this case the M20 in the vicinity of the site.

5.591 We have reviewed the amplification of the Environmental Statement. The amendments are focused on the Sustainable Movement Corridor (SMC) through the site in response to heritage comments.

5.592 Given that these proposed changes to the SMC would not alter the impact of the proposal on the SRN, we are content to rely on our National Highways' Planning Response (NHPR) of 8 September 2025 which recommends a set of conditions to be attached to any planning permission that may be granted.

5.593 **KCC Highways** (31/05/24) - The County Council, as Local Highway Authority, has reviewed the application and provides the following commentary:

- 5.594 There are two details missing from the appendices for Transport Assessment (TA) Vol 5 – Multi Modal Assessment; these are Aspirational Scenario Demand Forecast (labelled Appendix B) and Historic Trends Worksheets (labelled Appendix D). The County Council would ask that this information be supplied to enable the application to be fully assessed.

Access

- 5.595 Development access is proposed to be via two points on Hermitage Lane, with another access point on Kiln Barn Road.
- 5.596 Drawings 22-031/029, 22-031/030 and 22-031/031 provide details of the expected access arrangements to and from the development which complies with Kent Design Guide - Designing for Movement.
- 5.597 The detailed access and mitigation drawings (22-031-047, 22-031-100, 22-031-102 to 109) should be reviewed through a Stage 1 Road Safety Audit along with designer's comments, to ensure that no unforeseen safety issues are identified with the designs.
- 5.598 Where raised tables are proposed, consideration will need to be given to ensure these measures are suitable on any possible bus routes.
- 5.599 All proposed mitigation schemes should be delivered via a S278 Agreement and at an appropriate time depending on the phased build-out of the development.

Transport Assessment Volume 4 – Sustainable Travel Strategy

- 5.600 The County Council has been investigating measures to tackle congestion by improving highway capacity at A20/ Hall Road in accordance with Local Transport Plan (LTP) and district policies. A roundabout option has been discounted following public consultation and an enhanced signal scheme can only bring limited benefits. An alternative to provide a secondary 'all modes' access to Quarry Wood would require a link through land within the ownership of the applicant. Given the aspiration at paragraph 2.1.7 of the Transport Assessment Volume 4 to "integrate with and provide benefits to the wider community", the County Council would wish to understand how the development will facilitate provision of this link for vehicles as well as pedestrians and bicycles.
- 5.601 Details of any proposed bus strategy should be identified at this stage to ensure that a commercial operator is willing to take on a route, or a discussion will need to take place with the County Council's Passenger Transport Team, as a S106 contribution may be required, and over a period of time, to make the route viable. It is not desirable to have a bus gate on a route with an infrequent bus service. As part of the TA, the applicant mentions improving connectivity to Kings Hill from the development, however, details of an intended service should be shared. There are only three buses (outside of school services) per day running to Kings Hill and a

substantial improvement will be required to create improved permeability, to the extent shown on the RAG review.

- 5.602 Paragraph 4.6.11 identifies that discounted / free bus travel for residents would need to be provided. This detail will need to be confirmed and conditioned.
- 5.603 All matters regarding Public Rights of Way (PRoW) must be in consultation with the County Council PRoW and Access Service who are the Highway Authority for PRoW (full KCC response in respect of PRoW is available in Appendix 1). In respect of paragraph 4.4.13, routes via PRoW should be upgraded to encourage use focusing on personal safety (lit/visible from nearby properties) and with all-weather surfacing to meet mode share targets. Design details are required to ensure this can be achieved. The County Council would ask that this be done with consultation with the County Council's PRoW Service. All other highway routes should be well lit and provide safe journeys.
- 5.604 In respect of paragraph 4.6.18, there is a need to understand what scope there is for implementation of an increased frequency of rail services stopping at Barming Station given the consequent time penalty incurred to main line train journeys. The measures proposed for Barming Station will need to be defined so that this can be appropriately assessed to ensure the development is suitably connected and can offer alternative transport solutions.
- 5.605 In terms of the proposed highway schemes or measures, it would be useful to understand the phasing/trigger when each scheme will be implemented so that it can be agreed and appropriately conditioned, should planning permission be granted.

#### Transport Assessment Volume 5 – Multi Modal Assessment

- 5.606 It is unclear what has been included within the committed development trip generation. The checklist within Appendix G does not show green in the "Flows Impact Development" column against either 17/01595 *Land south of London Road and East of Hermitage Lane* or 20/01820 *Aylesford Newsprint*. Also, the Figures that follow, particularly Figures 4.9 and 4.10, do not show the link road which will run between London Road and Hermitage Lane, as a committed scheme, as part of planning consent for 17/01595. The committed development flows shown for 17/01595 look low, and do not meet the expected trip generation seen within the Tonbridge and Malling Local Plan model. The applicant should ensure that the correct flows have been applied from the consented scheme.
- 5.607 The County Council would seek that the applicant confirm which sites are included within the Additional Committed Development Flows Totals for the AM and PM peak link diagrams.

- 5.608 The sheet for Additional Committed Development Flows Total AM seems to have an error on the flows for Hermitage Lane travelling northbound, which is not evident in the other diagrams provided.
- 5.609 Figure 4.21 has some of the traffic flow figures missing as three hashtags are shown in some locations on the diagram. The County Council requests that this is corrected.
- 5.610 Within the TRICs assessment, sites in Ireland have been included. These sites should be excluded from any final dataset.
- 5.611 Section 3 has highly aspirational targets for both Public Transport travel and working from home – evidence to show how these can be achievable should be provided to the County Council.
- 5.612 Paragraph 4.1.7 is incorrect because the County Council, as Local Highway Authority, preferred for the tests to be undertaken via the Tonbridge and Malling Local Plan model, however, the applicant decided to use the Maidstone Local Plan model, as it had been signed off by National Highways. The use of the Maidstone Local Plan model was heavily caveated by the County Council and Jacobs.

#### Transport Assessment Vol 6 – Monitoring & Evaluation Plan

- 5.613 As detailed within the Multi modal assessment, a vision-led approach is being progressed by the promoter for this application and is in line with national policies, and is therefore an acceptable strategy to the County Council. A plausible aspirational scenario should enable sustainable journeys to be undertaken to key destinations where required improvements / measures can be delivered and a lower projected car trip rate, which fits the various aspirational targets. The difficulty will be in delivering measures outside of the development site where the network is constrained. A key requirement will be for mitigation measures to be delivered by the applicant.
- 5.614 The applicant has produced a Monitoring and Evaluation Plan (MaEP) based on the evidence gathered during earlier sections of the TA and this will be reviewed once some of the earlier points are clarified. The effective implementation of this plan will be critical to mitigating the impact of the development and adapting mitigations over time to deliver agreed outcomes. In principle, the inclusion of a mobility hub (car club, cycle hire, secure parcel lockers, etc.) and a framework travel plan, are positive inclusions to the planning application.

#### Summary

- 5.615 It has not been possible to review all the documentation associated with this planning application at this time due to the absence of key documentation.

- 5.616 Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the local highway network.
- 5.617 In light of the above review, the County Council, as Local Highway Authority, recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.
- 5.618 This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.
- 5.619 **KCC Highways** (01/04/25) - The applicant has provided a Technical Note (TN) to address previous KCC Highways, reference 22-031-R2013 Rev Response Note 2, dated 14th March 2025. The following text should be read in conjunction with the previous responses from KCC Highways.
- 5.620 The drawing for Hermitage Lane cyclists rejoining the carriageway has been amended and appears to provide a safer transition, although if the planning application is approved this scheme will need to be assessed through a Stage 2 Safety Audit, as part of the S278 Agreements process.
- 5.621 It is noted that the requested bus service contribution of £1,680,000 has been accepted by the applicant and this will form part of the S106, should planning approval be granted.
- 5.622 The 6-month bus travel vouchers will offer residents travel choices, any vouchers will need to come forward at an appropriate time to the bus service being available. This will need to be conditioned by the planning authority.
- 5.623 The applicant has set out within Table 2.1 a proposed Infrastructure Delivery Trigger for each scheme being proposed as part of this planning application. KCC Highways would request that the pedestrian crossing linking the site to Barming Station be implemented as part of the Hermitage Lane access junctions trigger, as this pedestrian facility will aid the crossing of Hermitage Lane. The triggers seem largely acceptable to KCC Highways at this stage, however some may need further refinement as the development build out occurs and the MEP monitoring regime is reviewed.
- 5.624 Mobility hub to be conditioned by TMBC.
- 5.625 It is noted that National Highways (NH) are still progressing discussions with the applicant regarding potential mitigation for either Running Horse or Cobtree roundabout. KCC Highways welcome being included in any future discussions.
- 5.626 The two link roads will need to be conditioned and detailed design submitted for approval. The design for the link road between Kiln Barn Road and New Road as

this is proposed to contain a bus gate and will not be open to general traffic, the design will need to include appropriate traffic enforcement, which could be in the form of ANPR (or other method to be agreed by KCC Highways). The sum will need to be agreed with our Agreements Team closer to the trigger, to ensure the money will cover the delivery and ongoing maintenance of any traffic enforcement to ensure the infrastructure works as intended.

- 5.627 From KCC Highways' perspective, it is noted that discussions are ongoing over Running Horse or Cobtree roundabout trip generation, however, should the planning authority be minded to approve, then I confirm that the following requirements are secured by condition or planning obligation:-
- 5.628 1. Detailed design of mitigation to be produced to align with the phasing table. The design for the sustainable corridor between Kiln Barn and New Road will require appropriate traffic enforcement to be agreed by KCC Highways, with a commensurate maintenance fee. Please note, any monies towards enforcement is separate to that of the bus service contribution. All mitigation measures are shown within the drawings section of Volume 3 Development Vision & Proposals within the Transport Assessment, this will need to include the latest version of drawing number 22-031/103.
- 5.629 2. A Transport Review Group (TRG) must be established prior to the first monitoring period and shall meet on a six-monthly basis unless otherwise agreed by KCC, ceasing two years post full occupation, in line with the life of the Travel Plan. The TRG should consist of a member from a) the Applicant team, b) KCC, c) Tonbridge and Malling Borough Council, and will be chaired by the TPC. As a minimum the TRG will discuss / undertake the following duties:
- (a) progress at the site of terms of build out,
  - (b) discuss any Travel Plan measures that have been implemented and their success
  - (c) transport related issues including any complaints received, issues with bus services
  - (d) review and agree the TPC's proposed methodology for the Travel Plan monitoring surveys, and review the results
  - (e) agree the implementation of remedial measures should the targets be exceeded, and
  - (f) review and comment (where necessary) on the Travel Information Packs.
- 5.630 3. A Mobility Hub to be provided by the applicant within the site prior to first occupation of the site. The hub should contain as a minimum:

- Establishment of a car club with three electric car club vehicles with dedicated parking spaces and plug in charge point;
- electric bike hub with plug in charge point;
- cycle stands and lockers;
- cycle repair stand; cycle pump;
- and an information terminal;
- Cycle hire (including cargo cycles) and secure parcel lockers should also be considered.

- 5.631 4. Each resident with a valid driving licence to be offered one year's free membership to the car club and £50 driving credit, to encourage take-up. Offer to be widely advertised and be made available for one year post occupation of the associated residential unit. Use of the car club should be monitored through the Travel Plan and TRG, and the operator should be encouraged to increase the number of vehicles should demand be shown to warrant it. If, after the first contract period with the car club operator ends, the car club is not yet viable, the Applicant is to fund an additional contract with the operator for the same period of time as the first contract, to allow it more time to become viable.
- 5.632 5. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Monitoring fee of £1,422 for every five-year period.
- 5.633 6. A financial contribution of £1,680,000 is required towards bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel.
- 5.634 7. A 6-month bus ticket to be offered to each resident upon first occupation of each dwelling with a maximum claim of two tickets per household. The tickets should be well advertised to encourage take-up. Alternatively, the equivalent monetary value to be made available to an phone app / service that supersedes it.
- 5.635 8. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
- (a) Routing of construction and delivery vehicles to / from site.
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths.
  - (c) Timing of deliveries, avoiding network and school peaks where possible.
  - (d) Provision of wheel washing facilities.

(e) Measures to prevent the discharge of surface water onto the highway.

(f) Temporary traffic management / signage.

- 5.636 9. A Travel Plan Toolkit fund of £400 per occupied dwelling or per a certain sqm of non-residential use (to be agreed), up to a maximum of £1,000,000, to be paid at the end of each six month period. Funds to be held by the Applicant (with evidence of its existence presented to the TRG) and are to be used for the implementation of remedial measures in the event that the vehicle trips exceed the vehicle trip generation targets, or if additional funding for the car club is required at the end of the first contract. Remedial measures to be decided by the TRG.
- 5.637 10. A financial contribution of £50 per residential unit towards the cost of a cycle or cycle equipment, to be well advertised and offered to residents upon occupation of their associated unit. Offer to be available for one year post occupation of the associated residential unit.
- 5.638 All costs set out above should be index linked.
- 5.639 **KCC Highways** (06/01/26) - This latest consultation appears to consist of an amendment to the Sustainable Movement Corridor, for a short section, located to the north of Saint James the Great Church. Drawing number 22-031/104 Rev E shows the amended layout. The southern footway/cycleway has been removed between New Road, and until just after PRoW MR100. The northern shared surface remains in place and still offers good pedestrian/cycle connections to Kiln Barn Road, and the wider development, and through to Barming Rail Station. KCC Highways offers no objection to the proposed change.
- 5.640 All planning conditions/obligations previously put forward by KCC Highways remain relevant.
- 5.641 **KCC Highways** (03/02/26) - I refer to our previous consultation responses which raised the potential of a second all modes access to Aylesford Retail Park. Whilst KCC Highways is unable to recommend that a vehicular link road is required to mitigate the impact of the Bradbourne development in line with NPPF, it is requested that the granting of outline permission does not preclude the link from being provided at a future date subject to assessment, design, securing of land and funding. KCC Highways therefore requests that, should T&MBC grant outline planning permission, a suitable condition be included relating to the reserved matters stages to enable further consideration of a link road from the Aylesford Retail Park to Hermitage Lane via the Bradbourne development and to ensure that a ransom strip is not created.
- 5.642 **Active Travel England** (01/05/24) - ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

### 1.0 Background

- 5.643 Active Travel England (ATE) welcomes the opportunity to comment on the proposed application for the outline application, with all matters reserved (except for access) regarding the development of land to West of Hermitage Lane and East of Kiln Barn Road comprised of: a residential-led development including affordable housing (up to 1300 no. homes); a new village centre including a primary school; ancillary commercial, community and employment floorspace; strategic open space, parkland, child play provision and sustainable drainage infrastructure; new access points and associated transport infrastructure, including a sustainable movement corridor to East Malling. The total area of the application red line boundary is 79.58 hectares.
- 5.644 The proposed application is pursuant to the applicable policies as stipulated in the Tonbridge and Malling Borough Councils (TMBC) Local Plan: Core Strategy (2007) and Local Development Framework (LDF, 2008). The site is designated for housing following TMBC's 'Call for Sites Exercise' in 2015 where the East Malling Trust (EMT) as applicant put forward land within its control as a site for development. In 2022 the EMT responded to TMBC's subsequent call for sites for it to be allocated for housing in the currently emerging Local Plan, with the site being identified as having the potential to deliver 1621 no. residential dwellings. It is noted that prior to the submission for planning permission that the applicant has engaged with TMBC and Kent County Council (KCC).
- 5.645 The proposed on-site facilities (primary school and local centre) are all within 10 minutes walking distance from the proposed new houses and internal connections indicative safe walking, wheeling and cycling journeys for all users.
- 5.646 In terms of public transport, Barming Station will be within 15 minutes' walk of all the new homes and offers services to London Victoria, Maidstone and Ashford International, with the aforementioned Sustainable Movement Corridor providing access to public transport amenities in East Malling (train station, and bus services 4a, 58,70). Within 500m North of the proposed development in Ditton, there are various bus services on the A20 (59,71,72,77,150).
- 5.647 The scheme benefits from a wide range of services and facilities, all accessible walking and cycling distance. These include a new primary school, local centre, and easy access to adjacent employment opportunities within Ditton and Maidstone and those close to the northern part of the site. On site facilities are also complemented by adjacent public open spaces which ensure that there are opportunities for social interaction. Within these spaces sensitive landscape design and benches will ensure that those with mobility difficulties can find easy places to rest.

### 2.0 Summary

- 5.648 Although ATE is not currently in a position to fully support the proposed development, the proposed development does have the potential to be an example of a major residential, mixed-use development that demonstrates a clear ambition and vision to embed active and sustainable travel as the preferred mode of getting around from the outset.
- 5.649 However, there are various details that need to be provided and some aspects which require justification in order to meet ATE's requirements for a sustainable, accessible, and inclusive development. It is imperative that these issues are addressed at this stage of the planning process - If these can be provided and subsequently meet these requirements, ATE can look to supporting the proposed development by recommending that it can be approved with appropriate conditions.
- 5.650 ATE has undertaken an assessment of the submitted proposals, including the submitted Design & Access Statement (DAS), Transport Assessments (TA) - Vol. 2- 5 inc. Framework Travel Plan (FTP); Environmental Statement (ES) and Illustrative Masterplan.

### 3.0 National Policy and Guidance

- 5.651 To meet the requirements of government policy, new settlements need to effectively connect to their local area while providing the conditions that prioritise active travel. The following extracts are key considerations in the assessment and recommendations ATE make on planning applications:
- 5.652 The National Planning Policy Framework (NPPF) sets out how:
- Safe and suitable access to the site can be achieved for all users (114).
  - the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code (114).
- 5.653 Applications for development should (116):
- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...;
  - address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - create places that are safe, secure, and attractive – which minimise the scope for conflicts between pedestrians, cyclists, and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- 5.654 The National Design Guide sets further expectations for Active Travel routes as follows: 82. ....Prioritising pedestrians and cyclists mean creating routes that are

safe, direct, convenient, and accessible for people of all abilities. These are designed as part of attractive spaces with good sightlines, and well-chosen junctions and crossings, so that people want to use them.

5.655 Gear change: sets the Government's vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030. Key requirements of Gear Change sets the following expectations for cycling infrastructure:

- Separation from volume traffic
- Separation from pedestrians
- Cycles treated as vehicles, not pedestrians
- Isolated stretches of good provision are of little value
- Routes must feel direct, logical, and intuitively understandable
- Avoiding cosmetic alterations
- Barriers should be avoided

5.656 In relation to new housing developments, LTN1/20 Cycling Infrastructure (2020) sets out how 'new housing development provides a major opportunity to create new and improved cycle infrastructure' (14.3.1), drawing attention to the following aspects of assessment:

14.3.6 It is important that the TA does not overestimate motor traffic travel demands, which could make it difficult to provide well-designed cycle infrastructure, particularly at the site access points. Travel demand forecasts should take into account the potential for the increased levels of cycling that will be enabled by high-quality cycle facilities, both on- and off-site.

5.657 Inclusive mobility: provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

5.658 Active Design: sets out how the design of our environments can help people to lead more physically active and healthy lives in relation to active travel (principle 3) and high-quality spaces (principle 5).

#### 4.0 Active Travel Toolkit Assessment

##### 4.1 Trip generation and assignment

5.659 Rating: PASS

5.660 Quantification of daily active travel movements forecast to be generated by the site is present in the TA and is multi-modal and representative of different times of the day (Trip Generation - (TA Vol. 5- Appendix C). This provides a suitable basis upon which to build an effective strategy so that the proposed development can successfully connects to its surroundings.

Policy / Guidance References:

5.661 Planning Policy Guidance on Travel Plans, Transport Assessments and Statements – a qualitative and quantitative description of the travel characteristics of the proposed development.

#### 4.2 Active travel route audit

5.662 Rating: FURTHER INFORMATION REQUESTED

5.663 ATE notes that there has been a suitable audit of transport movements, and in particular active travel and also public transport in relation to typical journeys to a variety of interest points of which future residents would wish to access (p.59 -66 of the Env. Statement Chapter 7 - Transport & Access). However, ATE also recommends that a specific road safety audit or alternatively undertaking the ATE Crossing Selector Tool Assessment would be a valuable exercise and help identify suitable crossings etc.

5.664 Ensuring that details are provided to demonstrate how all modes of public transport (train stations and current/enhanced bus service) can be accessed using active travel modes is imperative, hence committing to the provision of suitable active travel infrastructure at public transport nodes is necessary.

5.665 Policy / Guidance Reference:

NPPF 114. In assessing specific applications for development, it should be ensured that ...safe and suitable access to the site can be achieved for all users.

#### 4.3 Pedestrian Access to Local Amenities

5.666 Rating: FURTHER INFORMATION REQUESTED

5.667 The applicant identifies through the DAS (p.61) how many residents in the proposed development would be able to access the numerous services to the North-East (Local centre inc. Sainsburys) and the South-East of the site (Barming Station).

5.668 Another general issue are the lack of precise details regarding access to the West - and how the proposed development will link in terms of active travel provision with existing residential areas. (references to drawings as previously identified).

5.669 In terms of other details, which contribute to a more enjoyable/safer experience there also needs to be confirmation that all parallel crossings are appropriate.

5.670 Policy/Guidance Reference: NPPF 114. In assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

#### 4.4 Cycling Accessibility

5.671 Rating: FURTHER INFORMATION REQUESTED

- 5.672 It is necessary that precise details are provided regarding the PrOW upgrades as indicated on #22-031-125. Furthermore, the applicant also needs to ensure that there is sufficient justification of the shared use provision elements throughout the proposed development, and that associated parallel/unprotected crossings are applicable.
- 5.673 Furthermore, ATE also reiterates that for cycling all routes should be lit to BS5489 and ILP PLG23 (it isn't clear from plans reviewed that lighting is proposed).
- 5.674 Policy/Guidance References:
- NPPF 108c: identifying and pursuing opportunities to promote cycling
  - NPPF 114a: opportunities to promote sustainable modes have been taken up
  - NPPF 116a: giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

#### 4.5 Access to Public Transport

- 5.675 Rating: FURTHER INFORMATION REQUESTED
- 5.676 With the inclusion of various features, and in particular the bus gates (drawing 22-031/104) there is clear evidence that the applicant intends to incorporate high usage of sustainable transport modes. Consequently, ATE advises that the expansion of the public transport service (along with appropriate phasing) will be crucial to embed a culture of using public transport for the purposes of accessing services and for commuting to employment/education.
- 5.677 ATE notes that the applicant has indicated the need for bus service improvements with Kent County Council's (KCC's) public transport team (TA, Vol 4, p.35). Consequently, it is advised that an appropriate contribution mechanism will need to be obtained to ensure that service enhancements occurs, alongside any applicable S278 agreements.
- 5.678 Policy/Guidance References:

- NPPF 108c: identifying and pursuing opportunities to promote public transport
- NPPF 116a: facilitating access to high quality public transport
- Inclusive Mobility: 9.1 – The siting of bus stops
- LTN1/24 Bus User Priority

#### 4.6 Off-site Transport Infrastructure

- 5.679 Rating: FURTHER INFORMATION REQUESTED
- 5.680 Given that access to the site is not a reserved matter, the applicant needs to demonstrate precise details regarding the pedestrian/cycle access points, in particular those which are not integrated with the vehicular access points e.g. the Public Right of Way (ProW) which traverse the site.

5.681 ATE recognises that specific design coding has not been specified for these routes and that the applicant will suggest widths which are compliant with local highways authority requirements (DAS, p.120). Nonetheless, it is advised that details are provided at this stage regarding how these routes are in alignment with national policy guidance (LTN 1/20 and Inclusive Mobility)

5.682 Policy/Guidance References:

- NPPF: 96c: enabling and supporting healthy lifestyles
- NPPF 108c: identifying / pursuing opportunities to promote walking, cycling and public transport
- NPPF 114b: achieving safe and suitable access for all users,
- NPPF 116a: giving priority first to pedestrian and cycle movements.

#### 4.7 Site Permeability

5.683 Rating: FURTHER INFORMATION REQUESTED

5.684 Overall, the proposed development includes good site permeability with drawings supporting the comprehensive and highly suitable street hierarchy as incorporated in movement strategy (DAS, p.61), with the proposed Sustainable Transport Corridor allowing future residents to access amenities to the West of the site, along with good connections to the East of the site. It has also been noted that the radii of the proposed junctions do have scope for some tightening to reduce vehicle speeds.

5.685 ATE reiterates the importance of the applicant providing comprehensive details of the elements which can take advantage of desire lines which include: the interventions to the various PRowWs; the suitability of crossings for all active travel users.

5.686 Policy/Guidance Reference:

5.687 NPPF: 96a: promoting social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through... street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods.

#### 4.8 Placemaking

5.688 Rating: PASS

5.689 As typified by the landscape strategy (DAS, p. 131), the proposed development overall contains good placemaking characteristics suitable for the nature of this development. This includes, such as the integration on green spaces, activity nodes (village centre, school) distributed throughout and also building typologies and positions which can contribute to aspects such as natural surveillance, which is highly complementary to active travel modes. ATE also notes that there the

applicant proposes a comprehensive wayfinding strategy throughout the Transport Assessment (Volume 4).

5.690 Policy/Guidance Reference:

5.691 National Model Design Code, Part 1: 59 Movement – i) Connected Places, ii) Active Travel.

#### 4.9 Cycle Parking & Trip-end facilities

Rating: FURTHER INFORMATION REQUESTED

5.692 ATE notes that the applicant has proposed that the earlier phases of development will include various supporting measures, including the establishment of secure car parking and a transport hub/interchange (TA, Vol 5, p.11). ATE also notes that the applicant has considered various needs for cycle parking as indicated on page 121 of the DAS. Although this demonstrates a degree of intent, it is necessary for the applicant to provide precise details of the numbers for all components of the proposed development (e.g. the village centre); the type and location of these and other supporting facilities (e.g. public servicing stations; water fountains etc.).

5.693 Additionally, with Barming Rail Station the nearest to offer rail services. ATE notes how there have been discussions between TMBC, KCC and the applicant regarding the expansion of cycle parking provision at rail stations. It is important that these are also presented for review.

5.694 Policy/Guidance References:

5.695 National Model Design Code Part 2: Movement M.3 - Well Considered parking, servicing, and utilities infrastructure for all users. & M3.ii Cycle Parking.

#### 4.10 Travel Planning

5.696 Rating: PASS

5.697 The submitted FTP (para 4.3.2, TA - Volume 4, p.24) incorporates targets to increase active travel mode-share from 23% to 38% and public transport from 18 to 23%. These targets overall align with government objectives but reinforce the importance that active travel infrastructure will need to be developed and appropriately phased as to embed a culture of active travel usage from the outset - in turn that future residents/visitors to the proposed development will then be able to prioritise the use active travel modes to access public service facilities and for utility purposes (along with leisure).

5.698 Policy/Guidance References:

- NPPF: 117 – Travel Plans

- National Planning Policy Guidance: Travel Plans, Transport Assessments and Statements.

### 5.0 Next Steps

- 5.699 ATE requests that the local planning authority shares this correspondence with the applicant and their agents. ATE would welcome the opportunity to review and/or discuss further submitted information to help address the identified deficiencies as detailed above, with a view to providing a definitive, favourable response and recommended conditions.
- 5.700 **Active Travel England** (23/12/24) - ATE is not currently in a position to support this application and requests further assessment, evidence, revisions, and/or dialogue as set out in this response.

### 1.0 Background Active

- 5.701 Travel England (ATE) welcomes the opportunity to provide a further comment on the proposed application for the outline application, with all matters reserved (except for access) regarding the development of land to West of Hermitage Lane and East of Kiln Barn Road.

### 2.0 Summary

- 5.702 Since ATE's initial response of the 1<sup>st</sup> of May 2024, ATE acknowledges that the applicant has provided further information from the applicant to demonstrate that the proposed development will provide high-quality active travel provision. ATE has reviewed various documents, drawings and also the (STS) Sustainable Travel Strategy (Chapter 4 of the amended TA).
- 5.703 However, there remains various details that need to be provided for review by ATE and the highways authority (KCC) in order to meet ATE's requirements for a sustainable, accessible, and inclusive development. It is imperative that these issues are addressed at this stage of the planning process - If these can be provided and subsequently meet these requirements, ATE hopes to subsequently support the proposed development by recommending that it can be approved with appropriate conditions/contributions.
- 5.704 ATE has provided details of the criteria which are relevant to this stage of the review process. For brevity, those criteria which were satisfactorily met in its initial response on the 1<sup>st</sup> of May 2024 have been removed.

### 3.0 Active Travel Toolkit Assessment

#### 3.1 Active travel route audit

- 5.705 Rating PASS

5.706 ATE acknowledges that the applicant has undertaken an audit to undertake an assessment of active travel and/or public transport provision in the submitted STS (p.9 – 13). This process has deduced important information such as that key travel corridors have been rated as either poor or moderate for active travel and public transport (para. 3.4.4, p.13).

### 3.2 Pedestrian Access to Local Amenities

5.707 Rating: FURTHER INFORMATION REQUESTED

5.708 As ATE stated in its prior response, there remains a lack of precise details regarding access to the West - and how the proposed development will link in terms of active travel provision with existing residential areas - with references to drawings as identified in 3.5 below are in this case necessary to demonstrate the overall quality of the provision.

### 3.3 Cycling Accessibility

5.709 Rating: FURTHER INFORMATION REQUESTED

5.710 The applicant needs to provide clear and precise details to demonstrate that there is sufficient justification of the shared use provision elements throughout the proposed development, and that associated parallel/unprotected crossings are applicable.

5.711 Furthermore, ATE also reiterates that for cycling all routes should be lit to BS5489 and ILP PLG23 (it is not clear from plans reviewed that lighting is proposed).

### 3.4 Access to Public Transport

5.712 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED.

5.713 ATE welcomes the commitment from the applicant throughout Chapter 4 of the STS to improve the provision of public transport through an increase in frequency, which can act as a key driver to encourage active travel modes. Crucially, this is supported with indications that that applicant will provide high-quality supporting infrastructure such as bus stops and crossings. ATE advises that this commitment and details of the public transport infrastructural enhancements within are set as appropriate conditions of planning permission and also aligned with suitable contribution agreements.

### 3.5 Off-site Transport Infrastructure

5.714 Rating: FURTHER INFORMATION REQUESTED > CONDITION/CONTRIBUTION RECOMMENDED.

5.715 ATE acknowledges that the applicant has indicated a stronger commitment with regards to off-site infrastructure that can facilitate active travel and complement

internal active travel provision such as the Sustainable Transport Corridor (STC). For example, ATE welcomes the applicant stating that the proposed development intends to provide a network of enhanced, continuous, and attractive active travel routes between the site and surrounding amenities and that this provision will be supported by various 'soft measures' e.g. wayfinding signage (para 4.3.3, STS, p. 18).

- 5.716 For ATE to fully support this criteria, it advises that the applicant provides all details of the routes that will ensure that active travel journeys are the first choice for small journeys to key destinations, such as Aylesford School. While the applicant has outlined this and the enhancement of Public Rights of Way (ProW) in the STS (pages 18-22), these interventions need to clearly show how they are compliant with local and national policy and then preferable these should be committed to via an appropriate condition/contribution at the discretion of WMBC and KCC.

### 3.6 Site Permeability

- 5.717 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED.

- 5.718 As previously stated in its initial response, ATE recognises that the proposed development incorporates good site permeability and that the proposed Sustainable Transport Corridor is able to allow future residents to access amenities to the West of the site, along with good connections to the East of the site.

- 5.719 ATE acknowledges that the applicant has provides indication of how the site's permeability can be complemented by a range of active travel-focused access points in the submitted illustrative masterplan and that these are inclusive of elements which can take advantage of likely active travel desire lines which include the interventions to the various PRowS. To further reinforce this intention ATE requests that the applicant commits to providing all the necessary specification of interventions such as the suitability of all crossings, and how they encourage the use of walking, wheeling, and cycling for all users.

### 3.7 Cycle Parking & Trip-end facilities

- 5.720 Rating: FURTHER INFORMATION REQUESTED > CONDITION/CONTRIBUTION RECOMMENDED.

- 5.721 ATE notes that the applicant has indicated in the STS that it proposes that all dwellings which do not benefit from a garage or shed will be provided with communal, secure, and covered bicycle parking (para 5.4.7, STS, p.28). There is also a proposed electric cycle hire scheme (para 5.4.8, STS, p.28) to further encourage non-car trips. While ATE welcomes these proposals, it is necessary for the applicant to submit clear and precise details of both of these interventions and for the cycle parking, the number, location, and amenities that this provision will

include and alignment with LTN 1-20, KCC and TMBC policy/guidance. Furthermore, it is necessary for the applicant to provide precise details of the numbers for all components of the proposed development (e.g. the village centre); the type and location of these and other supporting facilities (e.g. public servicing stations; water fountains etc.).

- 5.722 ATE also notes that the development intends to provide a proportionate financial contribution towards improvements at Barming station, implemented by Network Rail/Southeastern as appropriate (para 4.6.17, STA, p.36). ATE advises that this leads to a cycle parking provision in alignment with those principles contained within LTN 1-20.

### 4.0 Next Steps

- 5.723 ATE appreciates the significance of the proposed development and acknowledges the progression of this application. Will further details, there is the potential for this large-scale scheme to embed high degrees of active travel provision. ATE requests that the local planning authority shares this correspondence with the applicant and their agents. ATE would welcome the opportunity to review and/or discuss further submitted information to help address the identified deficiencies as detailed above, with a view to providing a definitive, favourable response and recommended conditions.

- 5.724 **Active Travel England** (23/04/25) - Notice is hereby given that Active Travel England's formal recommendation is as follows:

b. Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

### 1.0 Background

- 5.725 Active Travel England (ATE) welcomes the opportunity to provide a further comment on the proposed application for the outline application with all matters reserved (except for access) regarding the development of land to West of Hermitage Lane and East of Kiln Barn Road.

### 2.0 Summary

- 5.726 Following ATE's initial response of the 1st of May 2024, a subsequent response was provided on the 23rd of December 2024. While ATE remained in support of many aspects of the proposed development, there were various details and points of clarification required for ATE to support the application. A meeting was held between the applicant and ATE on 19th February 2025 to discuss these, and ATE confirms receipt of a Technical Note (TN) dated March 2025 which summarise the dialogue.

5.727 In consideration of this information ATE can in principle support the proposed development and recommends that aspects as detailed below can be approved with suitable conditions/contributions and for these to be set at the discretion of the local planning authority (LPA).

### 3.0 Active Travel Toolkit Assessment

#### 3.1 Pedestrian Access to Local Amenities

5.728 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED

5.729 ATE welcomes the indicated lighting strategy provided by the applicant and details of the active travel provision as shown on Drawings 22-031/104, 22-031/106 - 109.

5.730 ATE is satisfied with the Sustainable Movement Corridor (SMC) and through review of the detailed designs confirms that it should act as a suitable conduit for walking, wheeling, and cycling. ATE confirms the applicant's acknowledgement that the SMC and overall active travel provision in the residential element of the proposed development should also be committed to the highest standards possible (para 2.1.2, TN, p.2). For the avoidance of doubt ATE advises that all further active travel facilities, including appropriate street lighting (considerate of local context) can be committed to as a condition of planning permission.

#### 3.2 Cycling Accessibility

5.731 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED

5.732 ATE notes that there are constraints which mean that in some locations there are width constraints and issues with transition where a shared provision is necessary and that mostly the application has predominantly provided segregated cycling amenity (TN, p.3).

5.733 Additionally, ATE accepts that a shared provision is suitable for the secondary residential streets with lower traffic level.

5.734 With regards to lighting, ATE acknowledges that the applicant will provide passive street lighting where full street lighting is not suitable due to heritage issues and that where necessary as for pedestrian routes facilities along the SMC and Kiln Barn Road can be conditioned as part of planning permission.

#### 3.3 Off-site Transport Infrastructure

5.735 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED.

5.736 ATE notes that the applicant is willing to commit to the delivery of off-site active travel provision (para 2.3.1, TN, p.4) and that in addition to this there is existing dialogue between the applicant the local highways authority (LHA) to improve Public Rights of Way (PRoW) as part of a s106 agreement (para 2.3.2, TN, p.4).

### 3.4 Cycle Parking & Trip-end facilities

5.737 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED.

5.738 ATE welcomes that the applicant is willing to commit to suitable levels of on-site cycle parking as a condition of planning permission (TN, p.5). ATE also notes that the development intends to provide a proportionate financial contribution towards improvements at Barming station through an S106 agreement and that there is ongoing dialogue between the applicant and Network Rail. ATE advises that both recommended conditions related to cycle parking (and supporting details) are in alignment with the principles and guidance contained within LTN 1-20.

### 4.0 Next Steps

5.739 It is requested that these recommendations are considered by the LPA case officer and forwarded to the agent and applicant. ATE supports the setting of planning conditions and obligations as detailed above and if necessary is happy to review any further information.

5.740 **Active Travel England** (14/01/26) - Notice is hereby given that Active Travel England's formal recommendation is as follows:

b. Conditional approval: ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

### 1.0 Background

5.741 Active Travel England (ATE) welcomes the opportunity to provide a further comment on the proposed application for the outline application with all matters reserved (except for access) regarding the development of land to West of Hermitage Lane and East of Kiln Barn Road.

### 2.0 Summary

5.742 Following ATE's initial response of the 1st of May 2024, a subsequent response was provided on the 23rd of December 2024. While ATE remained supportive of many aspects of the proposed development, there were various details and points of clarification required for ATE to fully endorse the application. A meeting was held between the applicant and ATE on 19th February 2025 to discuss these and ATE confirmed receipt of a Technical Note (TN) dated March 2025 which summarised the dialogue.

5.743 Following this ATE supported the proposed development in its 3<sup>rd</sup> response on the 23<sup>rd</sup> of April 2025 with a formal recommendation of Conditional Approval.

5.744 ATE's revised position – January 2026.

- 5.745 Since then, there has been further information, and dialogue, with amendments to the proposed development which have necessitated additional review from ATE.
- 5.746 This has involved a reconfiguration of the Sustainable Movement Corridor (SMC), with proposed amendments detailed on Drawing 22-031/104 Rev E (Dated November 2025).
- 5.747 ATE's position is that it supports the amendments, and this is reflected in comments detailed in paragraph 2.2 below. ATE advises the LPA to consider these alongside other comments (unchanged) and set suitable conditions, as necessary.
- 5.748 In consideration of this information ATE supports the proposed development in principle and recommends that aspects as detailed below can be approved with suitable conditions/contributions and for these to be set at the discretion of the local planning authority (LPA).

#### 2.1 Pedestrian Access to Local Amenities

- 5.749 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED
- 5.750 ATE welcomes the indicated lighting strategy provided by the applicant and details of the active travel provision as shown on Drawings 22-031/104, 22-031/106 – 109 (November 2025).
- 5.751 ATE is satisfied with the Sustainable Movement Corridor (SMC) and through review of the detailed designs confirms that it should act as a suitable conduit for walking, wheeling, and cycling. ATE confirms the applicant's acknowledgement that the SMC and overall active travel provision in the residential element of the proposed development should also be committed to the highest standards possible (para 2.1.2, TN, p.2). For the avoidance of doubt ATE advises that all further active travel facilities, including appropriate street lighting (considerate of local context) can be committed to as a condition of planning permission.

#### 2.2 Cycling Accessibility Revised

- 5.752 Rating: PASS > CONDITION/CONTRIBUTION RECOMMENDED
- 5.753 As mentioned in earlier responses, ATE notes that the proposed development predominantly provides segregated cycling amenity, with shared provision (walking & cycling) for the secondary residential streets with expected lower traffic levels deemed suitable.
- 5.754 ATE accepts that there needs to be a shared foot-cycle way extending from the access with New Road East Malling eastwards to Public Right of Way (PRoW) 100. This is based upon concerns to heritage and impacts upon the Church St James the Great.

- 5.755 Upon reviewing the amendments and necessary transition to a 2m uni-directional cycle way segregated from a 2m footway for the remainder of the SMC, ATE confirms that it supports these amendment and provision as indicated in Drawing 22-031/104, 22-031/106 – 109 and that the treatments support the remainder of the SMC extending eastwards. ATE does suggest that a type of differentiation in material and/or light segregation is committed to in terms of the 2 + 2m segregated foot and cycleway and that this can be set as a condition of planning permission.
- 5.756 With regards to lighting, ATE acknowledges that the applicant will provide passive street lighting where full street lighting is not suitable due to heritage issues and that these facilities along the SMC and Kiln Barn Road can be conditioned as part of planning permission as part of a wider lighting strategy.

### 2.3 Off-site Transport Infrastructure

- 5.757 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED.
- 5.758 ATE notes that the applicant is willing to commit to the delivery of off-site active travel provision (para 2.3.1, TN, p.4) and that in addition to this there is existing dialogue between the applicant the local highways authority (LHA) to improve Public Rights of Way (PRoW) as part of an 106 agreement (para 2.3.2, TN, p.4).

### 2.4 Cycle Parking & Trip-end facilities

- 5.759 Rating: PASS> CONDITION/CONTRIBUTION RECOMMENDED.
- 5.760 ATE welcomes that the applicant is willing to commit to suitable levels of on-site cycle parking as a condition of planning permission (TN, p.5). ATE also notes that the development intends to provide a proportionate financial contribution towards improvements at Barming station through an S106 agreement and that there is ongoing dialogue between the applicant and Network Rail. ATE advises that both recommended conditions related to cycle parking (and supporting details) are in alignment with the principles and guidance contained within LTN 1-20.

### 3.0 Conclusion

- 5.761 It is requested that these recommendations are considered by the LPA case officer and forwarded to the agent and applicant. ATE supports the setting of planning conditions and obligations as detailed above and if necessary is happy to review any further information.
- 5.762 **Natural England** (17/04/24) - Natural England provided 'Annex A – Natural England general advice'.
- 5.763 **Natural England** (16/12/24) - Natural England provided 'Annex A – Natural England general advice'.

5.764 **KCC Ecology** (28/05/24) - We have reviewed the submitted ecological information and it has detailed the following is present within the site and the surrounding area:

- Badgers (main sett)
- Bats - roosting within 2 buildings (B10 and B5), and 1 tree (BP1)
- At least 8 species of foraging/commuting bats
- Dormouse
- Hedgehog
- 37 birds recorded during the breeding birds (up to 12 considered breeding)  
Included ground nesting birds.
- 43 species recorded during the wintering bird survey
- 2 species of reptile recorded
- Stag beetle
- Ancient woodland present and adjacent to the site.
- Local Nature Reserves/Local wildlife Sites adjacent /close to the site.

5.765 Due to the habitats present within the site we are satisfied that the species survey information provides a good understanding of the ecological interest of the site. However we are concerned that there will be insufficient habitat within the site to retain the ecological interest within the site. In particular it is not clearly demonstrated within the parameter plan exactly how much open space there will be managed to benefit the species recorded within the site as the open space plan includes the access roads and areas for recreation.

5.766 We recommend that an outline mitigation strategy is submitted prior to determination to ensure that the LPA can be satisfied that appropriate mitigation can be implemented and retained within the area of open space.

5.767 Ground nesting birds were recorded within the site and the proposal will result in the loss of suitable habitat. The report has detailed that there is sufficient space within the wider area for any ground nesting birds to disperse in to. We disagree with this conclusion and as the proposal will result in the loss suitable land for ground nesting birds we advise that information is provided demonstrating that enhancements for ground nesting birds (for example increase in foraging opportunities) will be made elsewhere within the applicants landholdings.

5.768 The NE/FC standing advice for AW details that buffers should be a minimum of 15meters and as the woodland will be largely surrounded by development it's our view that the buffer should be larger than 15m - particularly when considering the size of the proposal. The submitted plans do demonstrate that dormouse and bats were recorded within and adjacent to the woodland and therefore we are concerned that the woodland buffer will be insufficient to provide AW mitigation and support the species recorded.

- 5.769 A main sett has been recorded within the SE of the site and the ecological report has detailed that a 20m buffer will be created within the site. The parameter plan has confirmed that there will be a landscaping buffer between the site and sett however it is unclear if it is sufficient large enough or provide suitable habitat (e.g. dense scrub) to minimise disturbance on the sett. We advise that additional information is provided demonstrating that appropriate mitigation can be implemented.
- 5.770 It is has detailed that a BNG of over 10% for habitats and hedgerows will be achieved and we are not convinced that it can be achieved. The metric details that many of the habitats to be created/enhanced will reach good/moderate condition and in an area which will have high footfall we are concerned it will not be achievable. In addition it's not clear if the presence of protected species has been taken in to account when calculating the BNG. Land used for species mitigation can only go towards no net loss it can not be used as part of species mitigation. Further details can be found here: <https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversitynet-gain-bng>
- 5.771 We recommend that additional information is submitted detailing why the applicant satisfied the anticipated BNG for habitats can be achieved.
- 5.772 **KCC Ecology** (08/01/25) - We have reviewed the updated information and we advise that our comments dated May 2024 have not significantly changed.
- 5.773 Additional information to fully address our previous comments has not been provided. It is our understanding that the only additional information provided to address our comments are:
- Technical Note Biodiversity Net Gain; AAE RevA
  - Framework Ancient Woodland Management Plan Aae; October 2024
  - Illustrative Master Plan
- 5.774 We have reviewed the submitted ecological information and it has detailed the following is present within the site and the surrounding area:
- Badgers (main sett)
  - Bats - roosting within 2 buildings (B10 and B5), and 1 tree (BP1)
  - At least 8 species of foraging/commuting bats
  - Dormouse
  - Hedgehog
  - 37 birds recorded during the breeding birds (up to 12 considered breeding) Included ground nesting birds.
  - 43 species recorded during the wintering bird survey
  - 2 species of reptile recorded
  - Stag beetle
  - Ancient woodland present and adjacent to the site.

- Local Nature Reserves/Local wildlife Sites adjacent /close to the site.

- 5.775 Due to the habitats present within the site we are satisfied that the species survey information provides a good understanding of the ecological interest of the site. However we are concerned that there will be insufficient habitat within the site to retain the ecological interest within the site. In particular it is not clearly demonstrated within the parameter plan exactly how much open space there will be managed to benefit the species recorded within the site as the open space plan includes the access roads and areas for recreation.
- 5.776 We recommend that an outline mitigation strategy is submitted prior to determination to ensure that the LPA can be satisfied that appropriate mitigation can be implemented and retained within the area of open space.
- 5.777 Ground nesting birds were recorded within the site and the proposal will result in the loss of suitable habitat. The report has detailed that there is sufficient space within the wider area for any ground nesting birds to disperse in to. We disagree with this conclusion and as the proposal will result in the loss suitable land for ground nesting birds we advise that information is provided demonstrating that enhancements for ground nesting birds (for example increase in foraging opportunities) will be made elsewhere within the applicants landholdings.
- 5.778 The NE/FC standing advice for AW details that buffers should be a minimum of 15meters and as the woodland will be largely surrounded by development it's our view that the buffer should be larger than 15m – particularly when considering the size of the proposal. The ancient woodland management plan does state that the buffer will be at least 20m but no information has been provided justifying why the buffer is sufficient in size to minimise and mitigate against the impact from the proposed development.
- 5.779 The submitted plans do demonstrate that dormouse and bats were recorded within and adjacent to the woodland and therefore we are concerned that the woodland buffer will be insufficient to provide AW mitigation and support the species recorded. The management plan does detail that the buffer will be actively managed but no information has been provided addressing whether the proposed habitat creation will be sufficient to support and retained the species.
- 5.780 A main sett has been recorded within the SE of the site and the ecological report has detailed that a 20m buffer will be created within the site. The parameter plan has confirmed that there will be a landscaping buffer between the site and sett however it is unclear if it is sufficient large enough or provide suitable habitat (e.g. dense scrub) to minimise disturbance on the sett. We advise that additional information is provided demonstrating that appropriate mitigation can be implemented.
- 5.781 It is has detailed that a BNG of over 10% for habitats and hedgerows will be achieved and we are not convinced that it can be achieved. The metric details that

many of the habitats to be created/enhanced will reach good/moderate condition and in an area which will have high footfall we are concerned it will not be achievable. In addition it's not clear if the presence of protected species has been taken in to account when calculating the BNG. Land used for species mitigation can only go towards no net loss it can not be used as part of species mitigation. Further details can be found here: <https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversitynet-gain-bng>

5.782 Additional information has been provided on the BNG assessment but it does not address any of the points details above. As such we recommend that additional information is submitted detailing why the applicant is satisfied the anticipated BNG for habitats can be achieved.

5.783 **KCC Ecology** (16/02/26) - We have reviewed the updated information and we advise that while we do have concerns that the submitted information was not sufficiently detailed we do accept that as it is an outline application there are opportunities to design the open space to ensure that appropriate ecological mitigation can be implemented.

5.784 We advise that if planning permission is granted we advise that there will be a need for the following conditions:

- Outline mitigation strategy - to be agreed prior to the first reserved matters submission (informed by any necessary updated surveys).
- Detailed mitigation strategy to be submitted with each reserved matters application (informed by any necessary updated surveys).
- Habitat Management and Monitoring Plan.
- Ecological Enhancement Plan.
- Site wide lighting strategy.
- Lighting plan for each reserved matters application.

5.785 We have reviewed the submitted ecological information and it has detailed the following is present within the site and the surrounding area:

- Badgers (main sett)
- Bats - roosting within 4 buildings (B3, B5, B9 and B10) and 1 tree (BP1)
- At least 8 species of foraging/commuting bats
- Dormouse
- Hedgehog
- 37 birds recorded during the breeding birds (up to 12 considered breeding) including ground nesting birds.
- 43 species recorded during the wintering bird survey
- 2 species of reptile recorded
- Stag beetle
- Ancient woodland present and adjacent to the site.
- Local Nature Reserves/Local wildlife Sites adjacent /close to the site.

- 5.786 Due to the habitats present within the site we are satisfied that the species survey information provides a good understanding of the ecological interest of the site.
- 5.787 We do continue to have concerns that there will be insufficient habitat within the site to retain the ecological interest within the site. In particular it is not clearly demonstrated within the parameter plan exactly how much open space there will be managed to benefit the species recorded within the site as the open space plan includes the access roads and areas for recreation. The parameter plan details that the area defined as open space covers the following water bodies, drainage features, footpaths / cycleways, vegetation/ planted areas, retained trees, play areas, community gardens and occasional vehicular connections. Therefore we would have anticipated the mitigation strategy clearly demonstrating where any ecology mitigation areas could be incorporated in to the site.
- 5.788 However we do acknowledge that there are 29ha of open space within the proposed development and as it is an outline application the open space can be design to incorporate mitigation habitat and retain habitat connectivity through the site. As this is an outline application we do acknowledge that there are opportunities within future stages of the proposal to ensure that appropriate habitat creation / enhancement can be achieved. However to ensure that this can be carried out we advise that there is a requirement for an outline mitigation strategy to be produced for the whole site prior to the submission of the first reserved matters application. This will ensure that all reserved matters application is designed to take in to account the required ecological mitigation.
- 5.789 Ground nesting birds were recorded within the site and the proposal will result in the loss of suitable habitat. The report has detailed that there is sufficient space within the wider area for any ground nesting birds to disperse in to. We disagreed with this conclusion and when commented previously we advised that as the proposal will result in the loss suitable land for ground nesting birds information was required demonstrating that enhancements for ground nesting birds (for example increase in foraging opportunities) will be made elsewhere within the applicant's landholdings. The applicant has confirmed that this can occur with at least 10 skylark plots being created within the site. We advise that this requirement must be secured via a legal agreement if planning permission is granted.
- 5.790 The NE /FC standing advice for AW details that buffers should be a minimum of 15meters and as the woodland will be largely surrounded by development it's our view that the buffer should be larger than the minimum - particularly when considering the proposal is for up to 1300 dwellings. Natural England standing advice states the following regarding AW buffers: For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the

proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.

- 5.791 We acknowledge that the ancient woodland management plan does state that the buffer will be at least 20m but we would have expected information to have been included justifying why the buffer is sufficient in size to minimise and mitigate against the impact from the proposed residential development.
- 5.792 The parameter plan has confirmed that the buffer will be 20m but we note that the information within the Framework Ancient Woodland Management Plan details that the new habitats to be created will include areas of dense, native species Mixed Scrub , with a number of Individual Trees and Species-rich Native Hedgerows also proposed. We advise that TMBC must be satisfied that the proposed buffer area can be created within the site and will not be reduced down in size or quality due to other requirements within the site. We note that the existing PROW will be upgraded to an all weather path and it is anticipated there will be increased use of these paths and therefore the buffer area will have to be actively managed to ensure that the buffer area will be designed as intended.
- 5.793 We advise that there will be a need for an management plan to be produced for the site with regular on going monitoring to ensure that if the site is not establishing or being maintained as intended appropriate mitigation can be implemented. This may include the need for on going education to residents.
- 5.794 The submitted plans do demonstrate that bats were recorded within and adjacent to the woodland, and dormouse were recorded within the wider area therefore we advise that the buffers will also have to be managed to ensure that the species recorded within the site will be benefited. The outline mitigation strategy and detailed plans within the reserved matters will have to demonstrate that the required mitigation will be implemented in the site.
- 5.795 A main badger sett has been recorded within the SE of the site and the ecological report has detailed that a 20m buffer will be created within the site. The parameter plan has confirmed that there will be a landscaping buffer between the site and badger sett however it is unclear if it is sufficient large enough or provide suitable habitat (e.g. dense scrub) to minimise disturbance on the badger sett. We advise that TMBC must be satisfied that the landscaping buffer between the badger sett and the residential areas is at least 20m. The outline mitigation strategy and the detailed plans within the reserved matters applications will have to demonstrate that the current badger sett on site will be retained and there is sufficient space and appropriate planting being created.

#### Biodiversity Net Gain

- 5.796 Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications for development (unless exempt) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory

Biodiversity Metric prior to commencement of any development. Having reviewed submitted information, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development.

5.797 Any application which is required to achieve a 10% BNG must submit the following information as a minimum:

- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
- the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);
- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
  - a statement to the effect that these activities have been carried out;
  - the date immediately before these activities were carried out;
  - the pre-development biodiversity value of the onsite habitat on this date;
  - the completed metric calculation tool showing the calculations, and
  - any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

5.798 We have reviewed the submitted information and we are satisfied that sufficient information has been submitted to meet the requirements for mandatory net gain.

5.799 We do acknowledge that there is an error in the Baseline information of the site as an area of woodland has been incorrectly included as modified grassland as the assessment did not take into account that the area of woodland had been felled post 2020. However the BNG value of the site will not change and when we made the amendments in the metric it currently does not create a trading rules error due to the proposed scrub planting and enhancement of existing woodland. Therefore we are satisfied that this error can be addressed within the submission of the biodiversity gain plan.

- 5.800 It is detailed that a BNG of over 10% for habitats and hedgerows will be achieved and we highlight that there is a risk it cannot be achieved. The metric details that many of the habitats to be created/enhanced will reach good/moderate condition and in an area which will have high footfall we are concerned it will not be achievable. For example, the proposed creation of 7.61 hectares of mixed scrub to good condition, it must meet all criteria of a mixed scrub condition assessment. The current proposed 'good' condition provides 63.95 habitat units for the proposed 11.35% net gain. If this is changed to moderate condition, this changes to 50.95 habitat units and 5.10% net gain.
- 5.801 In addition, it's not clear if the presence of protected species has been taken into account when calculating the BNG. Land used for species mitigation can only go towards no net loss it cannot be used as part of the 10% required for BNG. Further details can be found here:<https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversity-net-gain-bng>. To clearly evidence that 'additionality' rules for BNG have been fully covered we consider that two metrics should have been used, one with species and (ancient woodland) mitigation included and one without. This will ensure that the mitigation has only been included up to no net loss, as noted above.
- 5.802 However we do acknowledge that details of how a BNG will be achieved are not required prior to determination and in the event that a BNG cannot be achieved on site this will have to be addressed as part of the overall biodiversity gain plan submission or the subsequent phase biodiversity gain plan form. Therefore we are satisfied that a revised BNG assessment is not required to be submitted at this stage.
- 5.803 We consider the creation and enhancement of habitats on site constitute significant on-site gains. Government guidance states: "The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage."
- 5.804 Therefore It is our view that these significant on-site gains should be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. It is our view that monitoring fees should be secured for these significant on-site gains as these gains will need to be subject to monitoring reports across 30 years, which will need to be reviewed (and acted upon as necessary) by the LPA at their own cost. We provide details of suggested monitoring fees in our March 2025 advice note 'KCC Ecological Advice Service suggested BNG Monitoring Fees' which has been distributed to all LPAs in Kent.

#### Biodiversity and Enhancements

- 5.805 Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework

(NPPF) 2024, biodiversity should be maintained and enhanced through the planning system.

- 5.806 In addition to BNG there is a requirement for ecological enhancement features to be incorporated in to the open space and buildings. We advise if planning permission is granted there will be a need for an enhancement plan to be submitted as part of every reserved matters application.

#### Lighting

- 5.807 Nocturnal species and ancient woodland have been recorded within the site and lighting can have a negative impact on species and habitats and therefore any lighting must be designed to minimise light spill throughout the site. We advise that there will be a need for a lighting strategy to be produced for the whole site and a lighting plan to be submitted with all reserved matters applications.

- 5.808 **KCC Ecology** (24/02/26) - We have reviewed the updated information and we advise that while we do have concerns that the submitted information was not sufficiently detailed we do accept that as it is an outline application there are opportunities to design the open space to ensure that appropriate ecological mitigation can be implemented.

- 5.809 We advise that if planning permission is granted we advise that there will be a need for the following conditions:

- 5.810 Outline mitigation strategy - to be agreed prior to the first reserved matters submission (informed by any necessary updated surveys)

- 5.811 No development (including ground works, site and vegetation clearance) shall take place until a site-wide outline construction ecological management plan (OCEMP - biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP - biodiversity shall include the following and be based on the ecological survey information submitted as part of the application and up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- Purpose and objectives for the proposed works;
- Overview of the mitigation required and plans showing the areas it will be implemented;
- Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats;
- Areas where a detailed arboricultural method statement to protect retained trees is required;

- Anticipated Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- Persons responsible for implementing the works.

5.812 Detailed mitigation strategy to be submitted with each reserved matters application (informed by any necessary updated surveys)

5.813 No phase of development (including any ground works, site or vegetation clearance) shall commence until a construction ecological management plan (CEMP - biodiversity)) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP - biodiversity shall include the following and be based on the ecological information submitted with the outline application and the Outline Construction Ecological Management Plan required by condition X and up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- Purpose and objectives for the proposed works;
- The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;
- Confirmation of what protected species licences (e.g., badgers and dormice) are required to be obtained in advance of site clearance/construction and any relevant mitigation measures required;
- Reference to or inclusion of a detailed arboricultural method statement to protect retained trees;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works; and
- Initial aftercare and reference to a long-term maintenance plan (where relevant).

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

5.814 Outline Habitat Management and Monitoring Plan

5.815 No development (including ground works, site and vegetation clearance) shall take place until an Outline Habitat Management and Monitoring Plan (the OHMMP) informed by up-to-date ecology surveys as advised by a suitably qualified ecologist, has been submitted to and approved in writing by the local planning authority and including the following:

(a) measures to protect and enhance retained assets (noting commitments secured at the outline application stage);

(b) identify opportunities to create new biodiversity assets and links to existing off site ecological networks;

(c) demonstration of how the above measures contribute to achievement of 10% minimum net gain target for the overall development site based on an up-to-date statutory biodiversity net gain metric and the overall biodiversity gain plan; and

(d) the framework management and maintenance strategy.

5.816 Habitat Management And Monitoring Plan

5.817 No phase of development shall commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Outline HMMP submitted as part of condition X, approved Phase Biodiversity Gain Plan for that phase, and based on up-to-date ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority and including:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

(c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Phase Biodiversity Gain Plan for that phase;

(d) the management measures to maintain habitat in accordance with the approved Phase Biodiversity Gain Plan for that phase for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP for that phase shall be implemented, managed and maintained in accordance with the approved HMMP for that phase. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP for that phase.

5.818 Ecological Enhancement Plan

5.819 With the submission of the reserved matters application for each phase an ecological enhancement plan must be submitted to the LPA for written approval. It must demonstrate that integrated features for bats, birds or bees have been incorporated in to all buildings and enhancement features incorporated in to the open space. The plan must include a map showing the location of the features and details of the types, makes and modes of the features to be installed. The plan must be implemented as approved.

5.820 Site wide Lighting strategy

5.821 Prior to the submission of the first reserved matters application, a site-wide lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following:

- The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates and bat roosting sites and/or foraging/commuting routes;
- The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;
- The provision of technical specifications for the external lighting;
- An explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent update) has been considered during the lighting design process;
- The provision of lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors; and
- Sufficient information to enable non-lighting professionals to understand the avoidance and mitigation measures proposed.

No external lighting shall be installed for any phase until a lighting plan(s) has been submitted to and approved in writing by the local planning authority, in accordance with condition x.

5.822 Lighting plan for each reserved matters application

5.823 Prior to the completion of each phase, a lighting plan(s) for biodiversity for that phase, shall be submitted to and approved in writing by the local planning authority. The plan(s) shall follow the design parameters set out in the approved site-wide lighting design strategy and include the following:

- The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates and bat roosting sites and/or foraging/commuting routes;

- The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;
- The provision of technical specifications for the external lighting;
- An explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent update) has been considered during the lighting design process;
- The provision of lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors; and
- Sufficient information to enable non-lighting professionals to understand the avoidance and mitigation measures proposed.

All external lighting shall be installed prior to first occupation of each phase in accordance with the specifications and locations set out in the plan(s) for that phase, and these shall be maintained thereafter in accordance with the strategy.

5.824 Detailed Comments

5.825 We have reviewed the submitted ecological information and it has detailed the following is present within the site and the surrounding area:

- Badgers (main sett)
- Bats - roosting within 4 buildings (B3, B5, B9 and B10) and 1 tree (BP1)
- At least 8 species of foraging/commuting bats
- Dormouse
- Hedgehog
- 37 birds recorded during the breeding birds (up to 12 considered breeding) including ground nesting birds.
- 43 species recorded during the wintering bird survey
- 2 species of reptile recorded
- Stag beetle
- Ancient woodland present and adjacent to the site.
- Local Nature Reserves/Local wildlife Sites adjacent /close to the site.

5.826 Due to the habitats present within the site we are satisfied that the species survey information provides a good understanding of the ecological interest of the site.

5.827 We do continue to have concerns that there will be insufficient habitat within the site to retain the ecological interest within the site. In particular it is not clearly demonstrated within the parameter plan exactly how much open space there will be managed to benefit the species recorded within the site as the open space plan includes the access roads and areas for recreation. The parameter plan details that the area defined as open space covers the following water bodies, drainage features, footpaths / cycleways, vegetation/ planted areas, retained trees, play

areas, community gardens and occasional vehicular connections. Therefore we would have anticipated the mitigation strategy clearly demonstrating where any ecology mitigation areas could be incorporated in to the site.

- 5.828 However we do acknowledge that there are 29ha of open space within the proposed development and as it is an outline application the open space can be design to incorporate mitigation habitat and retain habitat connectivity through the site. As this is an outline application we do acknowledge that there are opportunities within future stages of the proposal to ensure that appropriate habitat creation / enhancement can be achieved. However to ensure that this can be carried out we advise that there is a requirement for an outline mitigation strategy to be produced for the whole site prior to the submission of the first reserved matters application. This will ensure that all reserved matters application is designed to take in to account the required ecological mitigation.
- 5.829 Ground nesting birds were recorded within the site and the proposal will result in the loss of suitable habitat. The report has detailed that there is sufficient space within the wider area for any ground nesting birds to disperse in to. We disagreed with this conclusion and when commented previously we advised that as the proposal will result in the loss suitable land for ground nesting birds information was required demonstrating that enhancements for ground nesting birds (for example increase in foraging opportunities) will be made elsewhere within the applicant's landholdings. The applicant has confirmed that this can occur with at least 10 skylark plots being created within the site. We advise that this requirement must be secured via a legal agreement if planning permission is granted.
- 5.830 The NE /FC standing advice for AW details that buffers should be a minimum of 15meters and as the woodland will be largely surrounded by development it's our view that the buffer should be larger than the minimum - particularly when considering the proposal is for up to 1300 dwellings. Natural England standing advice states the following regarding AW buffers: For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.
- 5.831 We acknowledge that the ancient woodland management plan does state that the buffer will be at least 20m but we would have expected information to have been included justifying why the buffer is sufficient in size to minimise and mitigate against the impact from the proposed residential development.
- 5.832 The parameter plan has confirmed that the buffer will be 20m but we note that the information within the Framework Ancient Woodland Management Plan details that the new habitats to be created will include areas of dense, native species Mixed Scrub , with a number of Individual Trees and Species-rich Native

Hedgerows also proposed. We advise that TMBC must be satisfied that the proposed buffer area can be created within the site and will not be reduced down in size or quality due to other requirements within the site. We note that the existing PROW will be upgraded to an all weather path and it is anticipated there will be increased use of these paths and therefore the buffer area will have to be actively managed to ensure that the buffer area will be designed as intended.

- 5.833 We advise that there will be a need for an management plan to be produced for the site with regular on going monitoring to ensure that if the site is not establishing or being maintained as intended appropriate mitigation can be implemented. This may include the need for on going education to residents.
- 5.834 The submitted plans do demonstrate that bats were recorded within and adjacent to the woodland, and dormouse were recorded within the wider area therefore we advise that the buffers will also have to be managed to ensure that the species recorded within the site will be benefited. The outline mitigation strategy and detailed plans within the reserved matters will have to demonstrate that the required mitigation will be implemented in the site.
- 5.835 A main badger sett has been recorded within the SE of the site and the ecological report has detailed that a 20m buffer will be created within the site. The parameter plan has confirmed that there will be a landscaping buffer between the site and badger sett however it is unclear if it is sufficient large enough or provide suitable habitat (e.g. dense scrub) to minimise disturbance on the badger sett. We advise that TMBC must be satisfied that the landscaping buffer between the badger sett and the residential areas is at least 20m. The outline mitigation strategy and the detailed plans within the reserved matters applications will have to demonstrate that the current badger sett on site will be retained and there is sufficient space and appropriate planting being created.

#### Biodiversity Net Gain

- 5.836 Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications for development (unless exempt) must deliver at least a 10% biodiversity net gain (BNG), shown via use of the Statutory Biodiversity Metric prior to commencement of any development. Having reviewed submitted information, we consider a 10% biodiversity net gain is a statutory requirement of this proposed development.
- 5.837 Any application which is required to achieve a 10% BNG must submit the following information as a minimum:
- confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;
  - the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);

- where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;
- the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value;
- a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
  - a statement to the effect that these activities have been carried out;
  - the date immediately before these activities were carried out;
  - the pre-development biodiversity value of the onsite habitat on this date;
  - the completed metric calculation tool showing the calculations, and
  - any available supporting evidence of this;
- a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
- plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

5.838 We have reviewed the submitted information and we are satisfied that sufficient information has been submitted to meet the requirements for mandatory net gain.

5.839 We do acknowledge that there is an error in the Baseline information of the site as an area of woodland has been incorrectly included as modified grassland as the assessment did not take into account that the area of woodland had been felled post 2020. However the BNG value of the site will not change and when we made the amendments in the metric it currently does not create a trading rules error due to the proposed scrub planting and enhancement of existing woodland. Therefore we are satisfied that this error can be addressed within the submission of the biodiversity gain plan.

5.840 It is detailed that a BNG of over 10% for habitats and hedgerows will be achieved and we highlight that there is a risk it cannot be achieved. The metric details that many of the habitats to be created/enhanced will reach good/moderate condition and in an area which will have high footfall we are concerned it will not be achievable. For example, the proposed creation of 7.61 hectares of mixed scrub to good condition, it must meet all criteria of a mixed scrub condition assessment. The current proposed 'good' condition provides 63.95 habitat units for the proposed 11.35% net gain. If this is changed to moderate condition, this changes to 50.95 habitat units and 5.10% net gain.

5.841 In addition, it's not clear if the presence of protected species has been taken into account when calculating the BNG. Land used for species mitigation can only go

towards no net loss it cannot be used as part of the 10% required for BNG. Further details can be found here:<https://www.gov.uk/guidance/what-you-can-count-towards-a-developments-biodiversity-net-gain-bng>. To clearly evidence that 'additionality' rules for BNG have been fully covered we consider that two metrics should have been used, one with species and (ancient woodland) mitigation included and one without. This will ensure that the mitigation has only been included up to no net loss, as noted above.

5.842 However we do acknowledge that details of how a BNG will be achieved are not required prior to determination and in the event that a BNG cannot be achieved on site this will have to be addressed as part of the overall biodiversity gain plan submission or the subsequent phase biodiversity gain plan form. Therefore we are satisfied that a revised BNG assessment is not required to be submitted at this stage.

5.843 We consider the creation and enhancement of habitats on site constitute significant on-site gains. Government guidance states: "The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage."

5.844 Therefore It is our view that these significant on-site gains should be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. It is our view that monitoring fees should be secured for these significant on-site gains as these gains will need to be subject to monitoring reports across 30 years, which will need to be reviewed (and acted upon as necessary) by the LPA at their own cost. We provide details of suggested monitoring fees in our March 2025 advice note 'KCC Ecological Advice Service suggested BNG Monitoring Fees' which has been distributed to all LPAs in Kent.

#### Biodiversity and Enhancements

5.845 Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the National Planning Policy Framework (NPPF) 2024, biodiversity should be maintained and enhanced through the planning system.

5.846 In addition to BNG there is a requirement for ecological enhancement features to be incorporated in to the open space and buildings. We advise if planning permission is granted there will be a need for an enhancement plan to be submitted as part of every reserved matters application.

#### Lighting

5.847 Nocturnal species and ancient woodland have been recorded within the site and lighting can have a negative impact on species and habitats and therefore any

lighting must be designed to minimise light spill throughout the site. We advise that there will be a need for a lighting strategy to be produced for the whole site and a lighting plan to be submitted with all reserved matters applications.

5.848 **Kent Wildlife Trust (29/04/24) - Site Designations and Protected Species**

5.849 The application site contains Habitats of Principle Importance which includes areas of deciduous woodland and Dog Kennel Wood, an ancient and semi-natural woodland. The application site adjoins Deadman Wood to the north-east, which is an ancient and semi-natural woodland, and Ditton Quarry Local Nature Reserve (LNR) and Ditton Court Quarry Local Wildlife Site (LWS) to the north / north-west.

5.850 Ditton Quarry Local Nature Reserve and Ditton Court Quarry Local Wildlife Site:

Ditton Quarry LNR and Ditton Court Quarry LWS are within a former ragstone quarry which is now managed as a local park with a working local management plan. The site has developed through natural colonisation and post-operation planting into a mosaic of habitat types. The site contains lowland calcareous grassland and lowland meadow, both Habitats of Principle Importance. The citation for the LWS lists a series of rare plants which occur such as white mullein, small and common cudweed, mat-grass fescue, quaking-grass, clustered bellflower, and field scabious.

5.851 The citation states that protected, priority, and red list bird species have been recorded within the site such as song thrush, linnet, bullfinch, and turtle dove. The site also supports rare coleoptera species such as stage beetle and noble chafer.

5.852 Ditton Quarry LNR and Ditton Court Quarry LWS also form part of the Thames Estuary South Important Invertebrate Area.

Key Considerations

5.853 Kent Wildlife Trust (KWT) do not object to the principle of the development. Notwithstanding this it is considered that the proposed development should be revised, and an alternative approach taken to its layout to provide connectivity between onsite and offsite habitats and to truly be of benefit to the natural environment. It is advised that the proposed development should be designed and planned in accordance with the Green Infrastructure Standards.

5.854 The submission makes much of the development being landscape led with over 10 hectares of public open space provided for residents. However, the submitted drawings and supporting documents make it clear that a distinct lack of suitable green space will be provided for nature. No appropriate biodiversity features will be provided, no meaningful compensation or mitigation measures have been put forward to address the loss of existing habitats, and no consideration has been given to habitat connectivity through the site as required by the relevant Managing Development and the Environment DPD policies set out above

Ancient Woodland and Habitats of Principle Importance

- 5.855 The application site contains ancient woodland (Deadman Wood – labelled as Woodland 4 within the Existing Habitats Plan) which is connected to offsite ancient woodland (Dog Kennel Wood), and four other areas of deciduous woodland, all of which are Habitats of Principle Importance. The offsite ancient woodland Dog Kennel Wood sits between the onsite ancient woodland and two larger blocks of deciduous woodland (referred to as Woodland 2 and Woodland 3 within the Environmental Statement).
- 5.856 In recent aerial photographs of the site, Woodlands 2 and 3 appear well connected to Dog Kennel Wood ancient woodland via a well-established treeline. The habitat connectivity between these woodlands to Dog Kennel Wood appear more established in the recent aerial images than what is shown on the Existing Habitats Plan and therefore we are concerned the applicant has downplayed the existing connectivity. We note from reviewing Chapter 11 – Ecology and Biodiversity of the Environmental Statement (ES) Addendum that paragraph 11.101 provides a botanical list for the ‘Other Woodland: Broadleaved’ habitats (Woodlands 2 and 3). Despite Woodlands 2 and 3 not being recorded as ‘ancient woodland’, specific botanical species used to give an indication that a site has been continuously wooded for a considerable length of time (ancient woodland indicator species) have been recorded within these woodlands. Ancient woodland indicator species (AWIS) differ in different parts of the UK, however specific AWIS in Kent that have been recorded within Woodlands 2 and 3 include: hornbeam, holly, pendulous sedge, and wood anemone. Ferns and violet species were also recorded within these woodlands. There are seven fern AWIS in Kent and two violet AWIS in Kent, however the applicant has not identified the ferns or violets to species level. Other species not listed as AWIS in Kent but are common AWIS in other areas of the UK which have been recorded in Woodlands 2 and 3 include bluebell, dog’s mercury, lords-and-ladies, and wood avens. Deciduous woodlands can contain ancient woodland characteristics if the soils have remained relatively undisturbed and unpolluted for a period of time. AWIS are usually slow spreading but will naturally propagate if the conditions are right. Therefore, as Woodlands 2 and 3 support AWIS, these woodlands are clearly of high ecological value and should be afforded protection.
- 5.857 The proposals currently include the unacceptable loss of Woodland 2 and partial loss of Woodland 3, despite them being classed as habitats of ‘High’ importance within Chapter 11 of the ES, and therefore goes against the Mitigation Hierarchy. Likewise, a small block of deciduous woodland (Woodland 1) will also be lost. Both woodlands 1 and 3 are categorised as Habitats of Principle Importance deciduous woodland. Due to these unacceptable losses of woodland and Habitats of Principle Importance, we request that the applicant provides further evidence to convey how the Mitigation Hierarchy has been followed. Mitigation should be considered after avoidance measures, in line with the Mitigation Hierarchy.

Currently there is not enough evidence that adequate avoidance measures have been made.

- 5.858 The submission proposes to provide a 15-metre buffer around the two parcels of ancient woodland which will consist of scrub and grassland. Natural England and the Forestry Commission advises that proposals should have a buffer zone of at least 15 metres from the boundary of ancient woodland. This distance is the very minimum and KWT supports guidance set out by The Woodland Trust which recommends that a 50-metre buffer should be maintained between a development and the ancient woodland, including through the construction phase, unless the applicant can demonstrate very clearly how a smaller buffer would suffice. Taking into account the size of the site and its capacity to provide a larger buffer it is not considered acceptable for the very minimum 15 metres to be provided.
- 5.859 The submission is clear that both areas of woodland provide foraging habitat and shelter for a range of common and protected species in addition to being Habitats of Principle Importance. Therefore, it is essential that appropriate and robust mitigation measures are put in place to reduce the impact of the development on the woodlands, particularly in respect of light, noise, and air pollution.
- 5.860 The on-site parcel of ancient woodland is shown to have footpaths running through it with the illustrative landscape masterplan stating that a network of green landscape corridors will facilitate movement and connect public open spaces. The submitted documents also state that Woodland 3 would have managed access. Concerns are raised that such unrestricted access to these areas of woodland, particularly the area of ancient woodland, will lead to significant recreational pressure that will detrimentally impact on the site's biodiversity and capacity to provide suitable habitat to species in the future. Concerns are also raised regarding the impact of increased cat predation on species which utilise the woodlands given the proposed increase in dwellings across the site.

#### Habitat Connectivity

- 5.861 As set out above Policy NE4 of the Managing Development and the Environment DPD requires provision to be made for the creation of new woodland and hedgerows at appropriate locations to support and enhance the Green Infrastructure Network. Policies OS3 and OS5 of the same DPD require on-site open space to provide connection to the network of existing open spaces and wildlife corridors, as well as safe connection with the existing network of open spaces and wildlife corridors. The DPD requires new open spaces which are provided in association with new development to be managed to allow for species migration across the Green Infrastructure Network. In assessing the submitted masterplan for the application site it is clear that the aims of these policies will not be achieved.
- 5.862 Woodland 2 is proposed to be removed which will sever Woodland 3 from the off-site ancient woodland and in turn the on-site ancient woodland. In addition, it is

proposed to fence around Dog Kennel Wood, the offsite ancient woodland. Woodland 4, the on-site ancient woodland, will also be severed by a road from the existing line of trees which run to the south. As a result, the woodlands will no longer be a functional habitat and the proposed development will effectively create islands of woodland which offer little long-term benefits to species that rely on connectivity and movement over a larger area.

- 5.863 No attempt has been made to create a green corridor through the site in order to link on-site habitats with those offsite. For example, the proposal fails to link the LNR and LWS with the ancient woodland while the pockets of habitats that are to be created largely sit on the fringes of the application site and are prevented from being linked together by built development. As a result, existing linked areas of habitat will be severed, and small isolated pockets of habitat created that will be subject to recreational pressures.
- 5.864 Habitat fragmentation can hinder the movement of animal populations leading to a loss of genetic diversity and reduction in population size, leaving restricted species susceptible to disease. Fragmentation can also result in habitats becoming less resilient, particularly to invasive species and climate change. This is particularly concerning when taking into consideration that dormice have been recorded onsite.
- 5.865 The submission makes clear that the application site currently provides suitable habitat for at least five species of bat and other nocturnal animals. However, it is also clear from the Proposed Habitats Plan and Illustrative Masterplan that suitable dark corridors, including for commuting bats, will not be provided. The proposed hedgerow, lines of trees, and woodland will largely run along the perimeter of the application site with unsuitable or no habitat provided across the developed areas. Species of bat recorded within the site, such as long eared bats and bats from the *Myotis* genus, are light sensitive and so will be directly impacted by the scale of the development, the level of light pollution it will generate, and the lack of dark commuting corridors.

#### Breeding and Wintering Birds

- 5.866 The Environmental Statement sets out that a total of 37 different species of bird were recorded during site surveys with 12 considered to be either 'breeding or probably breeding' on site. Of these 12 species, 7 are listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006), 3 are red list Birds of Conservation Concern (BoCC), and 7 are listed as amber BoCC. While not mentioned within the Environmental Statement, 6 of the species recorded, which include linnet, dunnock, starling, song thrush, greenfinch, and yellowhammer, are also protected by Special Penalties under Schedule 1 of the Wildlife and Countryside Act (1981) (as amended).
- 5.867 As part of the wintering bird surveys a total of 43 species were recorded including 2, redwing and fieldfare, which are protected by Special Penalties under Schedule

1 of the Wildlife and Countryside Act (1981). The surveys also recorded 8 species which are listed under Section 41 of the NERC Act (2006), 3 which are listed as red BoCC, and 8 which are listed as amber BoCC.

- 5.868 All arable land within the application site will be lost however the submission makes no provision to compensate or mitigate for this loss despite most of the species recorded being considered 'farmland' birds which utilise and depend on this type of habitat. It is also unclear how many territories will be impacted by the development.
- 5.869 It is advised that a detailed 'Skylark Mitigation and Management Plan' is prepared which specifies the amount of habitat to be lost and provides a detailed plan of how this will be avoided, mitigated, and finally compensated for. Skylark are protected in the UK under the Wildlife and Countryside Act (1981, as amended), classified in the UK as a Red List species under the BoCC review and as a Priority Species in the UK Biodiversity Action Plan. Skylark are listed by the UK Farmland Bird Indicator (1970-2007) as having declined by 51%. The mitigation and management plan should demonstrate that proposed mitigation will be effective and include details of ongoing habitat management to ensure suitability for breeding skylarks in perpetuity.
- 5.870 Other ground nesting bird species and those which forage on arable land will also be impacted by the proposed development. Considering the types of species recorded, their levels of protection, and their importance for nature conservation, it is advised that specific details are submitted on what mitigation measures will be provided and what steps will be taken to ensure availability of winter food for those that are granivorous farmland birds.
- 5.871 It is noted that no dedicated raptor or bird of prey vantage point surveys have been undertaken to identify whether the site is used by these species, particularly given that there were observations of sparrowhawk, buzzard, and kestrel during surveys of the site and a tawny owl call heard during a separate survey. The site is also suitable for foraging and commuting barn owls which are primarily a farmland species, hunting along field edges and rough grassland. The UK barn owl population has declined by 70% since the 1930's and therefore it is important to identify, protect and enhance barn owl foraging and commuting habitat.
- 5.872 Insufficient information has been provided to clearly establish how the development will impact on wintering bird species and whether the areas of green space that will be provided are suitable for roosting and feeding. Concerns are raised that the proximity of built development to these green spaces will interrupt sightlines around any potential roosting sites and feeding areas for wintering bird species and that the unrestricted access to these areas for residents will result in those birds avoiding the site.

Surface Water Flooding

- 5.873 The topography of the application site runs from south to north/north-west and so surface water will naturally flow in that direction towards the ancient woodland and LNR and LWS. Concerns are therefore raised that the construction and operation of the development could increase instances of flooding from surface water runoff which will detrimentally impact on sensitive ecological receptors, particularly if that surface water runoff is polluted which is considered to be highly likely given the size and end use of the development.
- 5.874 The submission sets out that construction work, from stripping out vegetation cover, putting in impermeable surfaces, and compacting soil from construction traffic, will increase the rate and volume of surface water runoff. Excavations during construction are also said to be likely to act as barriers to runoff resulting in ponding or preferential flow routes which may lead to areas not previously prone to flooding being impacted. The submission goes on to state that if left unmanaged the construction activities will increase the potential for surface water runoff to flood neighbouring properties with the LNR and LWS listed as being particularly vulnerable.
- 5.875 Taking into account the sensitive nature of the natural environments that are most prone to being impacted by surface water flooding it is advised that all necessary surface water mitigation measures, such as the installation of attenuation ponds, are carried out prior to any construction work taking place.

#### Biodiversity Net Gain

- 5.876 The submitted Biodiversity Net Gain (BNG) metric has grouped together woodlands 1, 2, 3 and 5 and categorised them as 'other woodland; broadleaved'. However, as woodlands 1 and 3 are classified as Habitats of Principle Importance deciduous woodland, they should be categorised as 'lowland mixed deciduous woodland' within the metric. Given that some of the woodland within the metric has been categorised incorrectly, and that 'lowland mixed deciduous woodland' which is a habitat of 'high distinctiveness' will be directly lost to the proposals, this will change the impacts of the trading rules and reduce the level of net gain that will be achieved.
- 5.877 There is a distinct difference in outcomes in the metric when what is viewed to be the correct habitat type is entered. It is therefore advised that the metric is closely assessed and revised by the Applicants as appropriate. If the Applicants are of the opinion that the correct habitat type has been entered, it is requested that completed BNG condition assessments are submitted to evidence this. Currently the Statutory Biodiversity Metric Condition Assessments have not been included within the application and therefore we are unable to review the accuracy of the condition scores. Condition score assessments should be included within the planning application as they provide important evidence to show how the applicant has completed the BNG assessment.

5.878 The Existing Habitats Plan shows a relatively large area of bare ground north of Woodland 3, however from looking at aerial images and photographs of the site provided within the planning application, it does not appear that this area of habitat is bare ground and is instead a continuation of Woodland 3 and classified as a Habitat of Principle Importance within MAGIC maps. From reviewing aerial images, it is clear that this northern area of Woodland 3 was present in August 2022. Within the Town and Country Planning Act 1990, there are special provisions for the calculation of the baseline (pre-development) biodiversity value of onsite habitat when loss or impact to habitats (including degradation) has occurred prior to the submission of a planning application and Biodiversity Gain Plan (BNG assessment) in order to discourage the deliberate degradation or removal of existing habitats to reduce the baseline biodiversity value. Paragraph 6A of Schedule 7 within the Town and Country Planning Act 1990 highlights that where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of submitted planning application, the biodiversity baseline value of the onsite habitats must be calculated as the biodiversity value of the habitat before the carrying out of degradation activities. The 1990 Act also highlights how if there is insufficient evidence about the biodiversity value of the onsite habitat immediately before its degradation/loss, the baseline biodiversity value of the habitat must be taken to be the highest biodiversity value. Therefore, unless there is sufficient evidence to suggest otherwise, the baseline of this northern section of Woodland 3 should be 'lowland mixed deciduous woodland' with a condition score of 'Good'. It is also stated within the Town and Country Planning Act 1990 that for the purpose of submitting a planning application, where degradation activities have taken place before the submission of the planning application, the applicant must provide:

- A statement setting out that these degradation activities have been carried out;
- Confirmation of the date immediately before these activities were carried out;
- The pre-development (baseline) biodiversity value of the site on this date;
- The completed biodiversity metric calculation tool showing the calculations; and
- Any available supporting evidence of this.

5.879 Due to the incorrect use of the biodiversity metric, it is unlikely that the development will achieve the mandatory minimum 10% net gain.

#### Other Matters

5.880 In addition to surface water runoff (discussed above) consideration should be given as to how the ancient woodland and deciduous woodlands will be impacted by the development in terms of air quality and dust deposition. It is unclear why Deadman Wood and Woodland 3 have not been included within the air quality assessment as sensitive ecological habitats. No detailed mitigation or enhancement measures are discussed within the submitted documents and so it is

advised that an outline Construction Environment Management Plan (CEMP) and Landscape Ecological Management Plan (LEMP) are submitted and reviewed prior to determination with the full CEMP and LEMP conditioned and reviewed at the discharging of conditions stage.

- 5.881 Concerns are raised that the proposed development, alongside the recently approved development to the east of Hermitage Lane, will negatively impact on habitats within the LNR and LWS because of increased recreational pressure. Coupled with this will be impacts resulting from an inevitable increase in cat predation due to the addition of domestic properties around the designated site. No meaningful way of mitigating these impacts appear to have been put forward by the Applicants.
- 5.882 **Kent Wildlife Trust (16/01/25)** - Additional and amended documents have been provided including the Framework Ancient Woodland Management Plan and Technical Note: Biodiversity Net Gain documents from AA Environmental Ltd along with an illustrative masterplan and series of illustrative landscape masterplans. Please find our comments on these additional documents below. To avoid repetition the other concerns raised in our previous representation have not been set out below however it should be noted that these concerns have not been addressed.
- 5.883 It is positive to see that a 20-metre ecological buffer zone is now proposed around both the onsite and offsite ancient woodland which will sit alongside areas of species-rich grassland to provide a larger separation distance from the built development. It is also positive to see proposals to manage the onsite ancient woodland, the ecological buffer zone and the grassland in ways which should enhance the ecology of the site and be of benefit to a range of species.
- 5.884 In respect of the proposed ecological buffer, it is advised that only native species of local origin should be used. In addition, it is advised that no chemicals in the form of herbicides, pesticides, or fertilisers should be used in the grassland, ecological buffer zone, or ancient woodland. Seed mixes of local provenance should be used for the proposed species-rich grassland.
- 5.885 The existing public footpaths along the woodland edge are noted and it is welcome to see that no dig methods of surfacing these footpaths have been put forward. This will improve the quality of the footpaths thereby encouraging members of the public to make use of them and avoid entering the woodland. Alongside this upgrade to the footpaths, it is proposed to install signs to inform the public about the sensitivity of the woodland and encourage them to stick to the footpaths.
- 5.886 Kent Wildlife Trust (KWT) continues to advocate for a greater buffer zone to the ancient woodland in line with recommendations from the Woodland Trust. In addition, further steps should be taken to improve the overall connectivity between the ancient woodland and the wider site as detailed in our previous representation.

There is an immediate opportunity to provide greater connectivity by including a wildlife 'hop-over' and narrowing the road between the onsite ancient woodland and the retained tree belt to the south.

- 5.887 KWT wish to raise concerns about the proposed SuDS basin proposed to the north-eastern corner of the site, adjacent to the offsite ancient woodland. The attenuation basin appears to sit within the buffer zone to the ancient woodland. Guidance from Natural England and the Forestry Commission states that SuDS should only be approved within a buffer zone where any change to the water table will not negatively affect the ancient woodland and where the works will not affect root protection areas. It is advised that clarification on this should be provided.
- 5.888 It is unclear why ornamental non-native species are being proposed within an existing area of broadleaved woodland that is identified as a Habitat of Principle Importance and known to contain ancient woodland indicator species. The proposed location of these non-native species is also in close proximity to two blocks of ancient woodland. While a nice gesture to the history of the area it is not considered that this approach would be beneficial to the existing biodiversity of the site.
- 5.889 The submitted Technical Note: Biodiversity Net Gain document has not taken into account any of the points raised in our previous representation. In addition, an amended BNG metric has not been submitted alongside this document. The errors highlighted within the metric are therefore still present including miscategorising the areas of lowland mixed deciduous woodland that will be lost to the proposals. This loss will impact on the trading rules of the metric and reduce the level of net gain that will be achieved.
- 5.890 When looking at aerial images and photographs of the site provided within the planning application it is apparent that the northern part of Woodland 3, present in August 2022, has been removed prior to the submission of the application. Within the Town and Country Planning Act 1990, there are special provisions for the calculation of the baseline (predevelopment) biodiversity value of onsite habitat when loss or impact to habitats (including degradation) has occurred prior to the submission of a planning application in order to discourage the deliberate degradation or removal of existing habitats to reduce the baseline biodiversity value. Paragraph 6A of Schedule 7 within the Town and Country Planning Act 1990 highlights that where unauthorised degradation of the onsite habitat has taken place on the land between 30 January 2020 and the date of the submitted planning application, the biodiversity baseline value of the onsite habitats must be calculated as the biodiversity value of the habitat before the carrying out of degradation activities. The 1990 Act also highlights how if there is insufficient evidence about the biodiversity value of the onsite habitat immediately before its degradation/loss, the baseline biodiversity value of the habitat must be taken to be the highest biodiversity value. Therefore, unless there is sufficient evidence to

suggest otherwise, the baseline of this northern section of Woodland 3 should be 'lowland mixed deciduous woodland' with a condition score of 'Good'.

- 5.891 Due to the incorrect use of the biodiversity metric, it is considered unlikely that the development will achieve the mandatory minimum 10% net gain.
- 5.892 **Historic England** (12/06/24) - Summary
- 5.893 Outline planning permission (with matters reserved) is sought for 1300 houses of up to four storeys, a primary school, mixed use floorspace, and associated transport infrastructure for land east of Kiln Barn Road and west of Hermitage Lane.
- 5.894 Historic England has concerns about this application because we consider that it fails to meet the requirement of paragraphs 200, 201, 203 a), 205, 206 and 208.
- 5.895 Our concerns are for the harm to significance, towards the lower end of the spectrum of less than substantial harm, to the Grade I listed Church of St James, East Malling, the East Malling Conservation Area and the site of a Romano-British Villa, a Scheduled Ancient Monument.
- 5.896 The methodology and assessment of significance in the heritage statement has a strong focus on landscape history within the application site boundary. However, in order to fully understand the impact of the development on built heritage, the heritage statement should assess the significance of designated heritage assets which have a relationship to the site. Crucially, the contribution of their setting to significance is required, as per paragraph 200 of the NPPF.
- 5.897 We are also concerned about the impact on the setting of the Scheduled Roman Villa south of the Church of St James and the failure of the Environmental Statement (ES) to establish the significance of the buried archaeological remains here.
- 5.898 We are concerned that the application lacks clear and convincing justification for the requirement of the sustainable transport corridor, a large piece of infrastructure which would disturb this historically sensitive location and cause partial demolition to a Grade II listed wall.

#### Significance

##### a. Church of St James in East Malling

- 5.899 The Grade I listed Church of St James is principally significant as a very fine example of a large medieval church in the Medway Valley with a soaring fifteenth century west tower and a rich interior.
- 5.900 The earliest phase of construction is Norman; however, the church was enlarged in the thirteenth and fourteenth centuries and then remodelled in the fifteenth

century. The impressive scale of the church is testament to its historic significance as a sacred place for the parishioners of East Malling and further afield. This is emphasised by the church's positioning at the edge of the historic settlement of East Malling on a gentle rise. The multiple approaches towards St James' benefit from a view of the tower as a magnificent focal point. This is appreciated best in long views from fields to the east and north-east.

- 5.901 As a rural church built to serve a farming community, the fields and orchards immediately to the north and east contribute to the historic significance of the church's setting. Here, the working landscape on the site is stitched to the place of worship which adds to historic value.
- 5.902 The great time depth to St James' immediate setting is also recognised its relationship to other nearby designated heritage assets. Long occupation on the site is evidenced by the Romano-British villa to the south of the church, a Scheduled Ancient Monument. As East Malling is a settlement which dates back to the Roman times, the setting of the church derives historic and evidential value from its close proximity to the monument and its presence within a settlement of ancient origin.
- 5.903 Furthermore, the greensand ridge of the North Downs National Landscape forms a horizon in long views of the church from the south and east. As a landscape of natural beauty and with evidence of human activity from pre-history onwards, the wider setting of the church set against this dramatic feature enhances aesthetic and historic value as appreciated in key views of the church.

### b. East Malling Conservation Area

- 5.904 East Malling Conservation Area is principally significant as a rural settlement of Roman origin south of the North Downs. It is mostly characterised by vernacular buildings from the eighteenth and nineteenth centuries but has a handful of impressive timber-framed hall houses which form an 'important group' with the church in character area A.
- 5.905 The area derives some historic value from its distinctive morphology which can be read in two parts: an early nucleated settlement demarked by crossroads and dominated by the medieval church (character area A) and a later linear development of eighteenth and nineteenth century buildings along the High Street (character area B).
- 5.906 The quality of buildings set around the crossroads is especially high with some timber-framed houses, characterful nineteenth century shop fronts and an impressive early eighteenth-century Queen Anne brick house adjacent to the medieval church. With the exception of a large sixteenth century farmhouse, houses further along south of the High Street are mostly good quality brick cottages.

5.907 Suburban housing development dominates much of the west setting to conservation area, however, setting of the north, north-east and south-west benefits from fields and orchards which tell of the area's agrarian origin. This contributes to the significance of the conservation area.

5.908 Undeveloped land and long views are especially significant east and north-east of the Grade I listed Church of St James', indeed, the conservation area appraisal states: *'Open spaces to the north ensure the village is seen as distinctly separate from the modern housing estate to the north which has extended out from Larkfield.'*

c. Site of Romano-British Villa, Scheduled Ancient Monument

5.909 The monument includes part of an Iron Age enclosure and minor Roman villa surviving as buried remains. It is situated on gently sloping ground at East Malling, which descends towards the flood plain of the River Medway to the north.

5.910 The earliest evidence for occupation includes a number of Late Iron Age post holes and ditches which are considered to be the remains of an enclosed farmstead, preceding and underlying the villa. The floors and stone foundations of the first to the fourth century AD villa have been recorded through partial excavation and survive in situ. The main range of the villa is orientated east to west with a further wing running to the south. The villa would likely have been located in a rural agricultural context, within land that would have been under its control and administration.

d. Bradbourne House

5.911 Bradbourne House is significant as large Queen Anne period country house with impressive interior set within a designed eighteenth century landscape garden. It is rightly listed at Grade I.

5.912 The house stands on the site of a Tudor manor, whilst some late seventeenth works survive refaced in the west range, the majority of the house dates from 1713-15 and was built for Sir Thomas Twysden.

5.913 Whilst the estate has reduced in size over time, it retains a generous landscaped park to the south complete with an ornamental lake. The south elevation of the house benefits from a view towards the lake with the tower of St James rising above the water and tree canopy. The view of the church tower makes a positive contribution towards an appreciation of the houses' designed landscape as it dramatizes the gentle aspect of the garden which adds to aesthetic significance.

5.914 The interrelationship of house to church is a designed view which the site sits between. The view is historically significant to the setting of Bradbourne. The view visualises the aspirations and statements of country house patrons over their wider estate and society in the eighteenth century. Whilst Bradbourne House is a

statement to the life and influence of the Twysdens, the church marks their resting place (where generations of the family are buried).

Impact

a. Church of St James, East Malling

- 5.915 The appreciation of the church tower's magnificence as a sacred landmark to the settlement of East Malling would be compromised by the laying of a 17m wide sustainable corridor road immediately to its north. The hard landscaping, noise, lighting and sound would have a harmful impact on the tower's striking appearance by directing the eye away from its landmark form.
- 5.916 To a lesser extent, the significance of the church would be harmed in long views towards the church due to the new housing estate of up 1300 dwellings, potentially rising up to 11m on fields east of church then up to 20 m (four storey blocks) further east. The houses would form a modern and suburbanising layer to the ancient landscape.
- 5.917 The loss of agricultural fields, green spaces and orchards for the laying of the road and construction of houses would diminish the working landscape so closely tied to the church of an agrarian community, which would erode historic significance.
- 5.918 Aesthetic value from the pleasant green fields and orchards would be harmed to development on the fields nearest the church.
- 5.919 St James's ancient landscape setting, experienced in its relationship to the Scheduled Romano-British Monument and the uneven, dramatic ridge of the North Downs National Landscape would be disturbed. The audial and visual serenity of the Grade I listed rural church would be negatively harmed by the modern road and the swathes of housing and associated hard landscaping further to the east.

b. East Malling Conservation Area

- 5.920 The proposals, and in particular, the new 17m wider sustainable transport corridor road, would partially fall within the conservation area but mostly through its wider setting. The urbanising effects of this would harm the significance of the conservation area in the following ways.
- 5.921 The rows of fruit trees and agricultural trees forming the wider setting to the conservation area provide a pleasing and traditional Kentish agricultural landscape to East Malling. The loss of this setting to a hard-landscaped road with additional traffic, lights and signage would significantly erode the pastoral feel and therefore fundamentally harm aesthetic value that the conservation area derives from its landscape setting.
- 5.922 The application proposes the partial demolition of the west wall to Bradbourne House (a Grade II listed boundary wall) to facilitate the laying of the access road

(listed building consent application reference: 24/00392/PA). The partial loss of a historic boundary would erode the aesthetic and historic significance of the conservation area to a limited degree.

- 5.923 Crucially, the setting north and north-east of the conservation area which has been identified as a green buffer between East Malling and newer development at Larkfield would be eroded by the proposed road, harming the area's historic value by eroding green space between distinct settlements.
- 5.924 Further to this, the settlement morphology seen within the conservation area's boundary would be obscured by the laying of a very wide road to immediately north of the medieval nucleated settlement. The readability of the key rural routes into the village centre and the church would be harmed.
- 5.925 Finally, the new road would be visible in positive long views identified between the Conservation Area and the steep ridge of the North Downs National Landscape. The road would harm the visual relationship between East Malling and the North Downs to a modest degree.

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.926 The villa in its modern context lies across allotments and private gardens with surrounding tree cover, and agricultural land beyond. In that regard it can still be experienced in a relatively rural context, albeit within a different land pattern. It is possible there may be some intervisibility with the proposed access road, however, the setting of the villa has not been considered in the ES. Even if there is no direct intervisibility, the effects of additional lighting traffic, and noise, have the potential to impact on the appreciation and experience of the villa.

d. Bradbourne House

- 5.927 Long views from the house over the landscaped garden, which features the green field setting beyond the lake and the church tower of St James, would be harmed by the proposed sustainable movement corridor. The large piece of infrastructure would sever the pastoral aspect by cluttering the naturalistic scene with hard landscaped road, lighting and signage.
- 5.928 Where the church tower stands as a distant focal point in views across the park and fields, the road would compete with the tower and detract from its prominence.
- 5.929 The traffic would also produce a negative audial impact on the tranquillity of the landscape to the south, harming the setting of both grade I listed assets in this landscape.

Policy

- 5.930 Section 16 of the National Planning Policy Framework (NPPF), Conserving and Enhancing the Historic Environment, sets out policies for decisions governing change in the historic environment.
- 5.931 Paragraph 200 of the framework sets out the expectation for supporting information, noting that “local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”
- 5.932 Paragraph 201 notes that “local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”
- 5.933 Paragraph 203 a) states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 5.934 The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that ‘great weight’ should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 205 and 206).
- 5.935 Paragraph 205 states: “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).”
- 5.936 Paragraph 208 requires that less than substantial harm to significance should be weighed against the public (including heritage) benefits of a proposal.

Position

- 5.937 We have carefully considered this application and have concerns about the harm to heritage assets. We think the current application fails to meet the NPPF paragraphs 200, 201, 203 a), 205, 206 and 208.
- 5.938 Our principle concerns are regarding harm caused to the significance of the Church of St James, East Malling Conservation Area, Bradbourne House and the site of the Roman Villa.

- 5.939 We are particularly concerned about the harm to the significance of the Grade I listed Church of St James caused by the close proximity to the proposed road which would erode the rural setting of the church and the significance the church derives from this.
- 5.940 The road could also compromise the ability to appreciate views from the Grade I listed Bradbourne House looking south, a designed view which helps explain a country house in its landscaped setting, where the focal point is the tower of St James seen in a verdant landscape.
- 5.941 The proposal does not compliment the special character and interest of the East Malling Conservation Area despite falling within its setting because both the likely design of the road, an intensive urban development are at odds with the historic character of the conservation area.
- 5.942 The application fails to meet the requirements of paragraph 200 of the NPPF by failing to adequately describe the significance of the Church, East Malling Conservation Area, Bradbourne House and the site of the Roman villa. This is because the contribution of setting to overall significance needs considering. We have reached an initial view on the significance of designated heritage, based on our understanding of the area, but the supporting documentation must also explain this and specifically, how the designated heritage assets derive some significance from the landscape setting of fields and open green spaces.
- 5.943 The assessment of significance should also consider how the application site facilitates key views towards assets which contributes towards an understanding and appreciation of significance. Therefore, we recommend that a revised heritage statement is submitted before a decision about the application is taken.
- 5.944 Harm would be reduced by removing the sustainable transport corridor from the proposal as this is the most harmful element (we note there is no statement of need for such a substantial piece of infrastructure in East Malling). We suggest options to remove the transport corridor are explored to help your Council understand if paragraph 201 is met.
- 5.945 The need to partially demolish the Grade II listed wall is also unclear, so it is not possible to understand if the harm has been avoided or minimised.
- 5.946 There are also other ways to reduce harm to heritage significance. Whilst the proposed housing sits further east of heritage assets, we recommend the quantum, densities and heights of buildings are reduced to minimise harm. Soft landscaping, screening buildings through tree planting and good quality green open space would also help to retain some sense of the rural and green setting which help contribute to heritage significance.

- 5.947 We consider the application fails to meet the aspiration of paragraph 203 a), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through change within their setting.
- 5.948 Notwithstanding the above, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 208 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.949 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 205 of the NPPF.

Recommendation

- 5.950 Historic England has concerns about this application, which would cause harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area. We consider that the application fails to meet the NPPF requirements including paragraphs 200, 201, 203 a), 205, 206 and 208.
- 5.951 In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.952 **Historic England** (07/03/25) - Summary
- 5.953 Following submission of additional information, Historic England still has concerns about this application because of the harm to the Grade I listed Church of St James, Bradbourne House and the East Malling Conservation Area that would result from the proposed road/sustainable movement corridor.
- 5.954 We are still concerned that the application lacks clear and convincing justification for the requirement of the sustainable transport corridor, a large piece of infrastructure which would disturb this historically sensitive location. We think the application fails to meet the requirements of paragraphs 208, 212 and 213 of the National Planning Policy Framework (2024).
- 5.955 However, following the submission of the archaeological evaluation report, our previous concerns about the impact on the setting of the Scheduled Roman Villa south of the Church of St James have now been addressed.

Significance

- a. Church of St James in East Malling

- 5.956 The Grade I listed Church of St James is principally significant as a very fine example of a large medieval church in the Medway Valley with a soaring fifteenth century west tower and a rich interior.
- 5.957 The earliest phase of construction is Norman; however, the church was enlarged in the thirteenth and fourteenth centuries and then remodelled in the fifteenth century. The impressive scale of the church is testament to its historic significance as a sacred place for the parishioners of East Malling and further afield. This is emphasised by the church's positioning at the edge of the historic settlement of East Malling on a gentle rise. The multiple approaches towards St James' benefit from a view of the tower as a magnificent focal point. This is appreciated best in long views from fields to the east and north-east.
- 5.958 As a rural church built to serve a farming community, the fields and orchards immediately to the north and east contribute to the historic significance of the church's setting. Here, the working landscape on the site is stitched to the place of worship which adds to historic value.
- 5.959 The great time depth to St James' immediate setting is also recognised its relationship to other nearby designated heritage assets. Long occupation on the site is evidenced by the Romano-British villa to the south of the church, a Scheduled Ancient Monument. As East Malling is a settlement which dates back to the Roman times, the setting of the church derives historic and evidential value from its close proximity to the monument and its presence within a settlement of ancient origin.
- 5.960 Furthermore, the greensand ridge of the North Downs National Landscape forms a horizon in long views of the church from the south and east. As a landscape of natural beauty and with evidence of human activity from pre-history onwards, the wider setting of the church set against this dramatic feature enhances aesthetic and historic value as appreciated in key views of the church.

b. East Malling Conservation Area

- 5.961 East Malling Conservation Area is principally significant as a rural settlement of Roman origin south of the North Downs. It is mostly characterised by vernacular buildings from the eighteenth and nineteenth centuries but has a handful of impressive timber-framed hall houses which form an 'important group' with the church in Character Area A.
- 5.962 The area derives some historic value from its distinctive morphology which can be read in two parts: an early nucleated settlement demarked by crossroads and dominated by the medieval church (character area A) and a later linear development of eighteenth and nineteenth century buildings along the High Street (character area B).

- 5.963 The quality of buildings set around the crossroads is especially high with some timber-framed houses, characterful nineteenth century shop fronts and an impressive early eighteenth-century Queen Anne brick house adjacent to the medieval church. With the exception of a large sixteenth century farmhouse, houses further along south of the High Street are mostly good quality brick cottages.
- 5.964 Suburban housing development dominates much of the west setting to conservation area, however, setting of the north, north-east and south-west benefits from fields and orchards which tell of the area's agrarian origin. This contributes to the significance of the conservation area.
- 5.965 Remaining undeveloped land and long views are especially significant east and north-east of the Grade I listed Church of St James', indeed, the conservation area appraisal states: *'Open spaces to the north ensure the village is seen as distinctly separate from the modern housing estate to the north which has extended out from Larkfield.'*

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.966 The monument includes part of an Iron Age enclosure and minor Roman villa surviving as buried remains. It is situated on gently sloping ground at East Malling, which descends towards the flood plain of the River Medway to the north.
- 5.967 The earliest evidence for occupation includes a number of Late Iron Age post holes and ditches which are considered to be the remains of an enclosed farmstead, preceding and underlying the villa. The floors and stone foundations of the first to the fourth century AD villa have been recorded through partial excavation and survive in situ. The main range of the villa is orientated east to west with a further wing running to the south. The villa would likely have been located in a rural agricultural context, within land that would have been under its control and administration.

d. Bradbourne House

- 5.968 Bradbourne House is significant as large Queen Anne period country house with impressive interior set within a designed eighteenth century landscape garden. It is rightly listed at Grade I.
- 5.969 The house stands on the site of a Tudor manor, whilst some late seventeenth works survive refaced in the west range, the majority of the house dates from 1713-15 and was built for Sir Thomas Twysden.
- 5.970 Whilst the estate has reduced in size over time, it retains a generous landscaped park to the south complete with an ornamental lake. The south elevation of the house benefits from a view towards the lake with the tower of St James rising above the water and tree canopy. The view of the church tower makes a positive

contribution towards an appreciation of the houses' designed landscape as it dramatizes the gentle aspect of the garden which adds to aesthetic significance.

- 5.971 The interrelationship of house to church is a designed view which the site sits between, the view is designated in the National Trust covenant. The view is historically significant to the setting of Bradbourne. The view visualises the aspirations and statements of country house patrons over their wider estate and society in the eighteenth century. Whilst Bradbourne House is a statement to the life and influence of the Twysdens, the church marks their resting place (where generations of the family are buried).

#### Impact

##### a. Church of St James, East Malling

- 5.972 The appreciation of the church tower's magnificence as a sacred landmark to the settlement of East Malling would be compromised by the laying of a 17m wide sustainable corridor road immediately to its north. The road would be significantly different in character from the existing access track.
- 5.973 Whilst the applicant's mitigation measures to lighting design would reduce harm, the road would still need to be lit and other highway requirements including hard landscaping and signage would have a harmful impact on the tower's striking appearance by directing the eye away from its landmark form.
- 5.974 The significance St James's derives from its ancient landscape setting would be harm by the urbanising effect the modern road and the swathes of housing and associated hard landscaping further to the east. Vehicular and other activity associated with the development would also harm the auidial serenity of the Grade I listed Church.

##### b. East Malling Conservation Area

- 5.975 The urbanising effects of the proposed development, and in particular the 17m wide sustainable transport corridor would harm the significance of the conservation area in the following ways.
- 5.976 The rows of fruit trees and agricultural trees forming the wider setting to the conservation area provide a pleasing and traditional Kentish agricultural landscape to East Malling. The proposed transport corridor would significantly erode the pastoral feel and therefore fundamentally harm aesthetic value that the conservation area derives from its landscape setting.
- 5.977 Crucially, the setting north and north-east of the conservation area which has been identified as a green buffer between East Malling and newer development at Larkfield would be eroded by the proposed road, harming the area's historic value by eroding green space between distinct settlements.

- 5.978 Further to this, an appreciation of the settlement morphology, particularly its historic road layout, would be obscured by the laying of a very wide road to immediately north of the medieval nucleated settlement.
- 5.979 Finally, the new road would be visible in positive long views identified between the Conservation Area and the steep ridge of the North Downs National Landscape. The road would harm the visual relationship between East Malling and the North Downs National Landscape to a modest degree.

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.980 The villa in its modern context lies across allotments and private gardens with surrounding tree cover, and agricultural land beyond. In that regard it can still be experienced in a relatively rural context, albeit within a different land pattern. It is possible there may be some intervisibility with the proposed access road, however, we think this will be very minimal.

d. Bradbourne House

- 5.981 Long views from the house over the landscaped garden to beyond (including the site), a designed view from the house and therefore an aspect of its significance would be harmed by the proposed sustainable movement corridor because an intended naturalistic view would be urbanised with hard landscaped road, lighting and signage.
- 5.982 This is of particular concern as the view from the Bradbourne House to the church, and from the roundel window on the church to Bradbourne is designated a view recorded in the National Trust covenant with the house having been built to oriented towards the church tower (as shown in views 1 and 2 of the new views assessment submitted with this amended application).
- 5.983 Where the church tower stands as a distant focal point in views across the park and fields, the road would compete with the tower and detract from its prominence.

Policy

- 5.984 Section 16 of the National Planning Policy Framework (NPPF), Conserving and Enhancing the Historic Environment, sets out policies for decisions governing change in the historic environment.
- 5.985 Paragraph 208 notes that “local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

- 5.986 210 c) states that new development should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.987 The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm, and that 'great weight' should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 212 and 213).
- 5.988 Paragraph 212 states: "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)."
- 5.989 Paragraph 215 requires that less than substantial harm to significance should be weighed against the public (including heritage) benefits of a proposal.
- 5.990 The NPPG advises on enhancing and conserving the historic environment:  
Historic environment - GOV.UK

Position

- 5.991 We have carefully considered the amendments, and we continue to have concerns about this application which we judge to have less than substantial harm on heritage assets in terms of the NPPF. Our principal concerns are for the harm to the Grade I listed Church of St James where we think harm could sit in the middle of the spectrum, Brabourne House and the East Malling Conservation Area, all of which derive significance from their rural setting, including the site but most particularly the location of the sustainable transport corridor.
- 5.992 Most importantly, we think harm would be reduced significantly by removing the sustainable transport corridor from the proposal altogether as this is the most harmful element (we note there is still no statement of need for such a substantial piece of infrastructure in East Malling). The character of the track in this location is informal and soft, it largely resembles a farm track. We also understand that its use is infrequent. The construction of the 20m wide hard surfaced road in its place would be a significant departure from the informal and rural character of the current track and would harm a number of significant heritage assets.
- 5.993 The proposal of the transport corridor lacks justification, particularly as the drawing 22-031/031 shows a 'proposed site access road on Kiln Barn Road' which is an alternative entrance which would be less harmful to heritage. We suggest options to remove the transport corridor are explored to help your Council understand if paragraph 208 is met.

- 5.994 Your authority may also need to consider the implications of cumulative change to the setting of heritage assets as detailed in the National Planning Policy Guidance (Para 13). on the Historic Environment.
- 5.995 The proposal also does not compliment the special character and interest of the East Malling Conservation Area despite falling within its setting because both the likely design of the road, an intensive urban development are at odds with the historic character of the conservation area and developing its rural setting. We have therefore identified harm to the East Malling Conservation Area.
- 5.996 The amended application now meets the requirements of paragraph 207 of the NPPF by adequately describing the significance, and contribution of setting to significance, of the Church of St James, East Malling Conservation Area, Bradbourne House and the site of the Roman villa.
- 5.997 However, we still consider that the application fails to meet the aspiration of paragraph 210 c), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through change within their setting.
- 5.998 Notwithstanding the above, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 216 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.999 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 212 of the NPPF.

Recommendation

- 5.1000 Historic England has concerns about this application, which would cause less than substantial harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area. We consider that the application fails to meet the NPPF requirements including paragraphs 208 and 213 and we recommend that you consider whether harm can be minimised by relocating the access road to East Kiln Barn Lane.
- 5.1001 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1002 **Historic England** (06/05/25) - Summary

5.1003 Following submission of additional information, Historic England still has concerns about this application because of the harm to the Grade I listed Church of St James, Bradbourne House and the East Malling Conservation Area that would result from the proposed road/sustainable movement corridor.

5.1004 We are still concerned that the application lacks clear and convincing justification for the requirement of the sustainable transport corridor, a large piece of infrastructure which would disturb this historically sensitive location. We think the application fails to meet the requirements of paragraphs 208, 212 and 213 of the National Planning Policy Framework (2024).

5.1005 However, following the submission of the archaeological evaluation report, our previous concerns about the impact on the setting of the Scheduled Roman Villa south of the Church of St James have now been addressed

#### Significance

##### a. Church of St James in East Malling

5.1006 The Grade I listed Church of St James is principally significant as a very fine example of a large medieval church in the Medway Valley with a soaring fifteenth century west tower and a rich interior.

5.1007 The earliest phase of construction is Norman; however, the church was enlarged in the thirteenth and fourteenth centuries and then remodelled in the fifteenth century. The impressive scale of the church is testament to its historic significance as a sacred place for the parishioners of East Malling and further afield. This is emphasised by the church's positioning at the edge of the historic settlement of East Malling on a gentle rise. The multiple approaches towards St James' benefit from a view of the tower as a magnificent focal point. This is appreciated best in long views from fields to the east and north-east.

5.1008 As a rural church built to serve a farming community, the fields and orchards immediately to the north and east contribute to the historic significance of the church's setting. Here, the working landscape on the site is stitched to the place of worship which adds to historic value.

5.1009 The great time depth to St James' immediate setting is also recognised its relationship to other nearby designated heritage assets. Long occupation on the site is evidenced by the Romano-British villa to the south of the church, a Scheduled Ancient Monument. As East Malling is a settlement which dates back to the Roman times, the setting of the church derives historic and evidential value from its close proximity to the monument and its presence within a settlement of ancient origin.

5.1010 Furthermore, the greensand ridge of the North Downs National Landscape forms a horizon in long views of the church from the south and east. As a landscape of

natural beauty and with evidence of human activity from pre-history onwards, the wider setting of the church set against this dramatic feature enhances aesthetic and historic value as appreciated in key views of the church.

### b. East Malling Conservation Area

- 5.1011 East Malling Conservation Area is principally significant as a rural settlement of Roman origin south of the North Downs. It is mostly characterised by vernacular buildings from the eighteenth and nineteenth centuries but has a handful of impressive timber-framed hall houses which form an 'important group' with the church in Character Area A.
- 5.1012 The area derives some historic value from its distinctive morphology which can be read in two parts: an early nucleated settlement demarked by crossroads and dominated by the medieval church (character area A) and a later linear development of eighteenth and nineteenth century buildings along the High Street (character area B).
- 5.1013 The quality of buildings set around the crossroads is especially high with some timber-framed houses, characterful nineteenth century shop fronts and an impressive early eighteenth-century Queen Anne brick house adjacent to the medieval church. With the exception of a large sixteenth century farmhouse, houses further along south of the High Street are mostly good quality brick cottages.
- 5.1014 Suburban housing development dominates much of the west setting to conservation area, however, setting of the north, north-east and south-west benefits from fields and orchards which tell of the area's agrarian origin. This contributes to the significance of the conservation area.
- 5.1015 Remaining undeveloped land and long views are especially significant east and north-east of the Grade I listed Church of St James', indeed, the conservation area appraisal states: *'Open spaces to the north ensure the village is seen as distinctly separate from the modern housing estate to the north which has extended out from Larkfield.'*

### c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.1016 The monument includes part of an Iron Age enclosure and minor Roman villa surviving as buried remains. It is situated on gently sloping ground at East Malling, which descends towards the flood plain of the River Medway to the north.
- 5.1017 The earliest evidence for occupation includes a number of Late Iron Age post holes and ditches which are considered to be the remains of an enclosed farmstead, preceding and underlying the villa. The floors and stone foundations of the first to the fourth century AD villa have been recorded through partial excavation and survive in situ. The main range of the villa is orientated east to

west with a further wing running to the south. The villa would likely have been located in a rural agricultural context, within land that would have been under its control and administration.

d. Bradbourne House

5.1018 Bradbourne House is significant as large Queen Anne period country house with impressive interior set within a designed eighteenth century landscape garden. It is rightly listed at Grade I.

5.1019 The house stands on the site of a Tudor manor, whilst some late seventeenth works survive refaced in the west range, the majority of the house dates from 1713-15 and was built for Sir Thomas Twysden.

5.1020 Whilst the estate has reduced in size over time, it retains a generous landscaped park to the south complete with an ornamental lake. The south elevation of the house benefits from a view towards the lake with the tower of St James rising above the water and tree canopy. The view of the church tower makes a positive contribution towards an appreciation of the houses' designed landscape as it dramatizes the gentle aspect of the garden which adds to aesthetic significance.

5.1021 The interrelationship of house to church is a designed view which the site sits between, the view is designated in the National Trust covenant. The view is historically significant to the setting of Bradbourne. The view visualises the aspirations and statements of country house patrons over their wider estate and society in the eighteenth century. Whilst Bradbourne House is a statement to the life and influence of the Twysdens, the church marks their resting place (where generations of the family are buried).

Impact

a. Church of St James, East Malling

5.1022 The appreciation of the church tower's magnificence as a sacred landmark to the settlement of East Malling would be compromised by the laying of a 17m wide sustainable corridor road immediately to its north. The road would be significantly different in character from the existing access track.

5.1023 Whilst the applicant's mitigation measures to lighting design would reduce harm, the road would still need to be lit and other highway requirements including hard landscaping and signage would have a harmful impact on the tower's striking appearance by directing the eye away from its landmark form.

5.1024 The significance St James's derives from its ancient landscape setting would be harm by the urbanising effect the modern road and the swathes of housing and associated hard landscaping further to the east. Vehicular and other activity associated with the development would also harm the auidial serenity of the Grade I listed Church.

b. East Malling Conservation Area

- 5.1025 The urbanising effects of the proposed development, and in particular the 17m wide sustainable transport corridor would harm the significance of the conservation area in the following ways.
- 5.1026 The rows of fruit trees and agricultural trees forming the wider setting to the conservation area provide a pleasing and traditional Kentish agricultural landscape to East Malling. The proposed transport corridor would significantly erode the pastoral feel and therefore fundamentally harm aesthetic value that the conservation area derives from its landscape setting.
- 5.1027 Crucially, the setting north and north-east of the conservation area which has been identified as a green buffer between East Malling and newer development at Larkfield would be eroded by the proposed road, harming the area's historic value by eroding green space between distinct settlements.
- 5.1028 Further to this, an appreciation of the settlement morphology, particularly its historic road layout, would be obscured by the laying of a very wide road to immediately north of the medieval nucleated settlement.
- 5.1029 Finally, the new road would be visible in positive long views identified between the Conservation Area and the steep ridge of the North Downs National Landscape. The road would harm the visual relationship between East Malling and the North Downs National Landscape to a modest degree.

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.1030 The villa in its modern context lies across allotments and private gardens with surrounding tree cover, and agricultural land beyond. In that regard it can still be experienced in a relatively rural context, albeit within a different land pattern. It is possible there may be some intervisibility with the proposed access road, however, we think this will be very minimal.

d. Bradbourne House

- 5.1031 Long views from the house over the landscaped garden to beyond (including the site), a designed view from the house and therefore an aspect of its significance would be harmed by the proposed sustainable movement corridor because an intended naturalistic view would be urbanised with hard landscaped road, lighting and signage.
- 5.1032 This is of particular concern as the view from the Bradbourne House to the church, and from the roundel window on the church to Bradbourne is designated a view recorded in the National Trust covenant with the house having been built to oriented towards the church tower (as shown in views 1 and 2 of the new views assessment submitted with this amended application).

5.1033 Where the church tower stands as a distant focal point in views across the park and fields, the road would compete with the tower and detract from its prominence.

### Policy

5.1034 Section 16 of the National Planning Policy Framework (NPPF), Conserving and Enhancing the Historic Environment, sets out policies for decisions governing change in the historic environment.

5.1035 Paragraph 208 notes that “local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

5.1036 210 c) states that new development should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

5.1037 The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm, and that ‘great weight’ should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 212 and 213).

5.1038 Paragraph 212 states: “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).”

5.1039 Paragraph 215 requires that less than substantial harm to significance should be weighed against the public (including heritage) benefits of a proposal.

5.1040 The NPPG advises on enhancing and conserving the historic environment:  
Historic environment - GOV.UK

### Position

5.1041 We have carefully considered the amendments, and we continue to have concerns about this application which we judge to have less than substantial harm on heritage assets in terms of the NPPF. Our principal concerns are for the harm to the Grade I listed Church of St James where we think harm could sit in the middle of the spectrum, Brabourne House and the East Malling Conservation Area, all of which derive significance from their rural setting, including the site but most particularly the location of the sustainable transport corridor.

- 5.1042 Most importantly, we think harm would be reduced significantly by removing the sustainable transport corridor from the proposal altogether as this is the most harmful element (we note there is still no statement of need for such a substantial piece of infrastructure in East Malling). The character of the track in this location is informal and soft, it largely resembles a farm track. We also understand that its use is infrequent. The construction of the 20m wide hard surfaced road in its place would be a significant departure from the informal and rural character of the current track and would harm a number of significant heritage assets.
- 5.1043 The proposal of the transport corridor lacks justification, particularly as the drawing 22-031/031 shows a 'proposed site access road on Kiln Barn Road' which is an alternative entrance which would be less harmful to heritage. We suggest options to remove the transport corridor are explored to help your Council understand if paragraph 208 is met.
- 5.1044 Your authority may also need to consider the implications of cumulative change to the setting of heritage assets as detailed in the National Planning Policy Guidance (Para 13). on the Historic Environment.
- 5.1045 The proposal also does not compliment the special character and interest of the East Malling Conservation Area despite falling within its setting because both the likely design of the road, an intensive urban development are at odds with the historic character of the conservation area and developing its rural setting. We have therefore identified harm to the East Malling Conservation Area.
- 5.1046 The amended application now meets the requirements of paragraph 207 of the NPPF by adequately describing the significance, and contribution of setting to significance, of the Church of St James, East Malling Conservation Area, Bradbourne House and the site of the Roman villa.
- 5.1047 However, we still consider that the application fails to meet the aspiration of paragraph 210 c), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through change within their setting.
- 5.1048 Notwithstanding the above, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 216 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.1049 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 212 of the NPPF.

Recommendation

- 5.1050 Historic England has concerns about this application, which would cause less than substantial harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area. We consider that the application fails to meet the NPPF requirements including paragraphs 208 and 213 and we recommend that you consider whether harm can be minimised by relocating the access road to East Kiln Barn Lane.
- 5.1051 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1052 **Historic England** (26/06/25) - Summary
- 5.1053 This response follows the submission of additional information in the form of an Addendum to Heritage Surveys, Historic Landscape Character Assessment, Access and Circulation Parameter Plan, Land Use Parameter Plan and a sketch plan titled Re-Instating Preston Hall Avenue.
- 5.1054 Historic England still has concerns about this application because the proposed construction an 17m wide piece of road infrastructure and associated landscaping and street furniture would harm the significance of the Grade I listed Church of St James, Bradbourne House and the East Malling Conservation Area.
- 5.1055 Furthermore, we are still concerned that the application lacks clear and convincing justification for the requirement of the sustainable movement corridor. Given the application includes three other road junctions to the proposed site (including highway improvements to the south of the site), we continue to recommend that a statement of need for the road is submitted. We therefore think the application fails to meet the requirements of paragraphs 208 and the first part of paragraph 213 of the National Planning Policy Framework (2024).

#### Significance

##### a. Church of St James in East Malling

- 5.1056 The Grade I listed Church of St James is principally significant as a very fine example of a large medieval church in the Medway Valley with a soaring fifteenth century west tower and a rich interior.
- 5.1057 The earliest phase of construction is Norman; however, the church was enlarged in the thirteenth and fourteenth centuries and then remodelled in the fifteenth century. The impressive scale of the church is testament to its historic significance as a sacred place for the parishioners of East Malling and further afield. This is emphasised by the church's positioning at the edge of the historic settlement of

East Malling on a gentle rise. The multiple approaches towards St James' benefit from a view of the tower as a magnificent focal point. This is appreciated best in long views from fields to the east and north-east.

- 5.1058 As a rural church built to serve a farming community, the fields and orchards immediately to the north and east contribute to the historic significance of the church's setting. Here, the working landscape on the site is stitched to the place of worship which adds to historic value.
- 5.1059 The great time depth to St James' immediate setting is also recognised its relationship to other nearby designated heritage assets. Long occupation on the site is evidenced by the Romano-British villa to the south of the church, a Scheduled Ancient Monument. As East Malling is a settlement which dates back to the Roman times, the setting of the church derives historic and evidential value from its close proximity to the monument and its presence within a settlement of ancient origin.
- 5.1060 Furthermore, the greensand ridge of the North Downs National Landscape forms a horizon in long views of the church from the south and east. As a landscape of natural beauty and with evidence of human activity from pre-history onwards, the wider setting of the church set against this dramatic feature enhances aesthetic and historic value as appreciated in key views of the church.

#### b. East Malling Conservation Area

- 5.1061 East Malling Conservation Area is principally significant as a rural settlement of Roman origin south of the North Downs. It is mostly characterised by vernacular buildings from the eighteenth and nineteenth centuries but has a handful of impressive timber-framed hall houses which form an 'important group' with the church in Character Area A.
- 5.1062 The area derives some historic value from its distinctive morphology which can be read in two parts: an early nucleated settlement demarked by crossroads and dominated by the medieval church (character area A) and a later linear development of eighteenth and nineteenth century buildings along the High Street (character area B).
- 5.1063 The quality of buildings set around the crossroads is especially high with some timber-framed houses, characterful nineteenth century shop fronts and an impressive early eighteenth-century Queen Anne brick house adjacent to the medieval church. With the exception of a large sixteenth century farmhouse, houses further along south of the High Street are mostly good quality brick cottages.
- 5.1064 Suburban housing development dominates much of the west setting to conservation area, however, its setting to the north, north-east and south-west

benefits from fields and orchards which tell of the area's agrarian origin. This contributes to the significance of the conservation area.

- 5.1065 Remaining undeveloped land and long views are especially significant east and north-east of the Grade I listed Church of St James', indeed, the conservation area appraisal states: *'Open spaces to the north ensure the village is seen as distinctly separate from the modern housing estate to the north which has extended out from Larkfield.'*

c. Site of Romano-British Villa, Scheduled Ancient Monument

- 5.1066 The monument includes part of an Iron Age enclosure and minor Roman villa surviving as buried remains. It is situated on gently sloping ground at East Malling, which descends towards the flood plain of the River Medway to the north.
- 5.1067 The earliest evidence for occupation includes a number of Late Iron Age post holes and ditches which are considered to be the remains of an enclosed farmstead, preceding and underlying the villa. The floors and stone foundations of the first to the fourth century AD villa have been recorded through partial excavation and survive in situ. The main range of the villa is orientated east to west with a further wing running to the south. The villa would likely have been located in a rural agricultural context, within land that would have been under its control and administration.

d. Bradbourne House

- 5.1068 Bradbourne House is significant as large Queen Anne period country house with impressive interior set within a designed eighteenth century landscape garden. It is rightly listed at Grade I.
- 5.1069 The house stands on the site of a Tudor manor, whilst some late seventeenth works survive refaced in the west range, the majority of the house dates from 1713-15 and was built for Sir Thomas Twysden.
- 5.1070 Whilst the estate has reduced in size over time, it retains a generous landscaped park to the south complete with an ornamental lake. The south elevation of the house benefits from a view towards the lake with the tower of St James rising above the water and tree canopy. The view of the church tower makes a positive contribution towards an appreciation of the houses' designed landscape as it dramatizes the gentle aspect of the garden which adds to aesthetic significance.
- 5.1071 The interrelationship of house to church is a designed view which the site sits between, the view is designated in the National Trust covenant. The view is historically significant to the setting of Bradbourne. The view visualises the aspirations and statements of country house patrons over their wider estate and society in the eighteenth century. Whilst Bradbourne House is a statement to the

life and influence of the Twysdens, the church marks their resting place (where generations of the family are buried).

Impact

a. Church of St James, East Malling

- 5.1072 The appreciation of the church tower's magnificence as a sacred landmark to the settlement of East Malling would be compromised by the laying of a 17m wide sustainable corridor road immediately to its north. The road would be significantly different in character from the existing access track.
- 5.1073 Whilst the applicant's mitigation measures to lighting design would reduce harm, the road would still need to be lit and other highway requirements including hard landscaping and signage and any requirements to meet highways safety requirements would have a harmful impact on the tower's striking appearance by directing the eye away from its landmark form.
- 5.1074 The significance St James's derives from its ancient landscape setting would be harm by the urbanising effect the modern road and the swathes of housing and associated hard landscaping further to the east. Vehicular and other activity associated with the development would also harm the auidial serenity of the Grade I listed Church.

b. East Malling Conservation Are

- 5.1075 The urbanising effects of the proposed development, and in particular the 17m wide sustainable transport corridor would harm the significance of the conservation area in the following ways.
- 5.1076 The rows of fruit trees and agricultural trees forming the wider setting to the conservation area provide a pleasing and traditional Kentish agricultural landscape to East Malling. The proposed transport corridor would significantly erode the pastoral feel and therefore fundamentally harm aesthetic value that the conservation area derives from its landscape setting.
- 5.1077 Crucially, the setting north and north-east of the conservation area which has been identified as a green buffer between East Malling and newer development at Larkfield would be eroded by the proposed road, harming the area's historic value by eroding green space between distinct settlements.
- 5.1078 Further to this, an appreciation of the settlement morphology, particularly its historic road layout, would be obscured by the laying of a very wide road to immediately north of the medieval nucleated settlement.
- 5.1079 Finally, the new road would be visible in positive long views identified between the Conservation Area and the steep ridge of the North Downs National Landscape.

The road would harm the visual relationship between East Malling and the North Downs National Landscape to a modest degree.

c. Site of Romano-British Villa, Scheduled Ancient Monument

5.1080 The villa in its modern context lies across allotments and private gardens with surrounding tree cover, and agricultural land beyond. In that regard it can still be experienced in a relatively rural context, albeit within a different land pattern. It is possible there may be some intervisibility with the proposed access road, however, we think this will be very minimal.

d. Bradbourne House

5.1081 Long views from the house over the landscaped garden to beyond (including the site), a designed view from the house and therefore an aspect of its significance would be harmed by the proposed sustainable movement corridor because an intended naturalistic view would be urbanised with hard landscaped road, lighting and signage.

5.1082 This is of particular concern as the view from the Bradbourne House to the church, and from the roundel window on the church to Bradbourne is designated a view recorded in the National Trust covenant with the house having been built to orientated towards the church tower (as shown in views 1 and 2 of the new views assessment submitted with this amended application).

5.1083 Where the church tower stands as a distant focal point in views across the park and fields, the road would compete with the tower and detract from its prominence.

Policy

5.1084 Section 16 of the National Planning Policy Framework (NPPF), Conserving and Enhancing the Historic Environment, sets out policies for decisions governing change in the historic environment.

5.1085 Paragraph 208 notes that “local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

5.1086 210 c) states that new development should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

5.1087 The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing

justification should be made for any such harm, and that 'great weight' should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 212 and 213).

- 5.1088 Paragraph 212 states: "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)."
- 5.1089 Paragraph 215 requires that less than substantial harm to significance should be weighed against the public (including heritage) benefits of a proposal.
- 5.1090 The NPPG advises on enhancing and conserving the historic environment:  
Historic environment - GOV.UK

Position

- 5.1091 We have carefully considered the amendments submitted in the most recent consultation, and we continue to have concerns about this application which we judge to have less than substantial harm on heritage assets in terms of the NPPF.
- 5.1092 Our principal concerns are for the harm to the Grade I listed Church of St James where we think harm could sit in the middle of the spectrum, Brabourne House and the East Malling Conservation Area. This is because all of these assets derive significance from their rural setting, including the site but particularly the location of the sustainable transport corridor which is very close to the Grade I listed church.
- 5.1093 Most importantly, we continue to think harm to the I Church of St James, Brabourne House and the East Malling Conservation Area would be reduced significantly by removing the sustainable transport corridor from the proposal altogether as this is the most harmful element (we note that there is still no statement of need for such a substantial piece of infrastructure in East Malling).
- 5.1094 The character of the track in this location is informal and soft, it largely resembles a farm track. We also understand that its use is infrequent. The construction of the 20m wide hard surfaced road in its place would be a significant departure from the informal and rural character of the current track and would harm a number of important heritage assets.
- 5.1095 The proposal of the transport corridor lacks justification, particularly as the drawing 22-031/031 shows a 'proposed site access road on Kiln Barn Road' which is an alternative entrance which would be less harmful to heritage. We again suggest that options to remove the transport corridor are explored to help your Council understand if paragraph 208 is met.
- 5.1096 Your authority may also need to consider the implications of cumulative change to the setting of heritage assets as detailed in the National Planning Policy Guidance (Para 13). on the Historic Environment.

- 5.1097 The proposal also does not compliment the special character and interest of the East Malling Conservation Area e both the likely design of the road, and intensive urban development are at odds with the historic character of the conservation area and its rural setting. This is unfortunate.
- 5.1098 The amended application now meets the requirements of paragraph 207 of the NPPF by adequately describing the significance, and contribution of setting to significance, of the Church of St James, East Malling Conservation Area, Bradbourne House and the site of the Roman villa.
- 5.1099 However, we still consider that the application fails to meet the aspiration of paragraph 210 c), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through change within their setting.
- 5.1100 Notwithstanding the above, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 215 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.1101 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 212 of the NPPF, noting that the Church of St James and Brabourne House are both highly graded and thus greater weight should be given to their conservation.

Recommendation

- 5.1102 Historic England has concerns about this application, which would cause less than substantial harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area.
- 5.1103 We consider that the application fails to meet NPPF requirements including paragraphs 208 and 213 and we recommend that you consider whether harm can be minimised by relocating the sustainable transport corridor access, to one of the other three access points to the proposed development site.
- 5.1104 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1105 **Historic England (27/08/25)** - Our principal concerns remain for the harm to the Grade I listed Church of St James where we think harm could sit in the middle of the spectrum, Brabourne House and the East Malling Conservation Area. This is

because all of these assets derive significance from their rural setting, including the site but particularly the location of the sustainable transport corridor which is very close to the Grade I listed church.

- 5.1106 Most importantly, we continue to think harm to the Grade I Church of St James, Brabourne House and the East Malling Conservation Area would be reduced significantly by removing the sustainable transport corridor from the proposal altogether as this is the most harmful element. Central to understanding whether the harm from the road could be avoided altogether, in line with paragraph 208 of the National Planning Policy Framework (NPPF) is the statement of need that the applicant recently submitted. This sets out the justification for the infrastructure from a planning and sustainable transport point of view.
- 5.1107 While it is for your Council to ultimately decide whether the statement of need provides a compelling argument for the access, road, we do question whether the road is essential given that the drawing 22-031/031 still shows a 'proposed site access road on Kiln Barn Road' with alternative entrances to the estate which would be less harmful to heritage.
- 5.1108 We are not convinced that ruling out existing footpaths as unsafe for users is fair as lighting bollards could be explored, however from our recent site meeting, we understand the constraints for cyclists as the church footpath is not suitable for high volumes of cycle traffic.
- 5.1109 If your Council concludes that the road is necessary, then we still think there may be ways to reduce the level of harm arising from it. Chief amongst these options would be to reduce the cycle/pedestrian provision to one side as this would reduce the overall amount of road infrastructure.
- 5.1110 In reaching a decision on this proposal, your council will need to weigh harm against the public benefits of the proposal as required by paragraph 215 of the NPPF. Historic England can offer advice on the heritage benefits proposed within the application and we have not been able to identify heritage benefits in this application.
- 5.1111 For example, supporting the longevity of the Church of St James for example, a nationally significant heritage asset and valued community space in some form, could be a heritage benefit. We think this would be beneficial as the site has strong interconnectivity and intervisibility with the church and as the proposals currently stand, the significance of the church would be harmed through development within its immediate setting.
- 5.1112 Specifically, we think support towards conservation repairs and the deliverance of its proposed facility at the Church of St James could be an example of a heritage benefit. We recommend that your Council and the applicant explore options for heritage benefits associated with the Church of St James. If helpful, we would be happy to facilitate these conversations.

5.1113 However, if the road is approved as part of the application your authority may also need to consider the implications of cumulative change to the setting of heritage assets as detailed in the National Planning Policy Guidance (Para 13) on the Historic Environment.

5.1114 In your consideration of this application, we also highlight that in our view, the application fails to meet the aspiration of paragraph 210 c), that is, to sustain or enhance the significance of heritage assets because the proposal would harm the significance through development of setting.

5.1115 In reaching a decision on this proposal your Council will also need to give great weight to the conservation of designated heritage assets (and the more important the asset, the greater the weight) as per paragraph 212 of the NPPF, noting that the Church of St James and Brabourne House are both highly graded and thus greater weight should be given to their conservation.

### **Recommendation**

5.1116 Historic England has concerns about this application, which would cause less than substantial harm to the significance of the Grade I listed Church of St James, Bradbourne House, the scheduled site of the Roman Villa and the East Malling Conservation Area.

5.1117 We consider that the application fails to meet NPPF requirements including paragraphs 208 and 213 and we recommend that you consider whether harm can be minimised by relocating the sustainable transport corridor access, to one of the other three access points to the proposed development site.

5.1118 We also recommend securing heritage benefits through the application for the Church of St James.

5.1119 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

5.1120 **Historic England** (09/01/26) - We are satisfied with the additional information provided in the drawing 22-031- 104\_Rev\_E and the updated supporting Heritage Assessment demonstrate a reduction in the previously discussed level of harm set out in our letter dated 27 August 2025.

5.1121 An additional document 'Sustainable Movement Corridor - Justification & Evidence Base (December 2025)' is referenced in the covering letter and Heritage Assessment as supporting information, but it appears not to be available on the council website currently. We would recommend that your Council take a view as to whether this provides the adequate justification and evidence required.

- 5.1122 We note that details such as surfacing, lighting, landscape design, signage, and boundary treatments for the SMC are indicative currently, and are proposed to be agreed by condition should the Council is minded to approve this application. We feel that this provides opportunity to further secure a minimisation of harm through agreeing appropriate sensitive design approaches.
- 5.1123 The proposed heritage benefits set out in section 2.3 of the Heritage Assessment are very much welcomed, and if it is helpful we would be happy to facilitate further conversations to help secure and deliver these heritage benefits.
- 5.1124 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1125 **Historic England (27/01/26)** - We are satisfied with the additional information provided in the drawing 22-031- 104\_Rev\_E and the updated supporting Heritage Assessment demonstrate a reduction the previously discussed level of harm set out in our letter dated 27 August 2025, which we feel now sits within the lower range of 'less the substantial'.
- 5.1126 An additional document 'Sustainable Movement Corridor - Justification & Evidence Base (December 2025)' is referenced in the covering letter and Heritage Assessment as supporting information, but it appears not to be available on the council website currently. We would recommend that your Council take a view as to whether this provides the adequate justification and evidence required.
- 5.1127 We note that these details such as surfacing, lighting, landscape design, signage, and boundary treatments for the SMC are indicative currently, and are proposed to be agreed by condition should the Council is minded to approve this application. We feel that this provides opportunity to further secure a minimisation of harm through agreeing appropriate sensitive design approaches.
- 5.1128 The proposed heritage benefits set out in section 2.3 of the Heritage Assessment are very much welcomed, and if it is helpful we would be happy to facilitate further conversations to help secure and deliver these heritage benefits.
- 5.1129 In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 5.1130 **Consultant Conservation and Urban Design Officer (11/06/24)** – Summary

5.1131 This application for residential-led development is in outline form, with all matters reserved other than the access. The development indicatively has the potential to affect the significance of some heritage assets on the western side of the site, where the current track of Chapel Lane to the north of East Malling village is to be improved as a 'sustainable movement corridor'. The access, details of which are provided and not reserved, will have, in my view, a negative impact on the significance of all the heritage assets discussed in the EIS archaeology and heritage statement. The potential impact of the movement corridor itself, at 6.5M to include bus, car, cycle and pedestrian routes. itself is also likely to cause harm to significance. In my view there is insufficient information for this side of the development site, which is not touched on in the design and access statement, which focuses on the eastern side of this main route. Details of lighting, the feasibility of planting etc if highway is adopted, section details for the revised access to Chapel Lane from New Road – all of these are missing from the submission either in detailed form or in indicative form.

#### NPPF Requirements

5.1132 It is difficult to assess the impact of the proposals in detail or indicatively on the western end of the site, as above. I understand that the grassed, tree-lined route as indicated from New Road is to allow for easy access to East Malling station from the western extent of the area indicated for residential development. As a justification, this is not sufficient in my view, as the proposals, including formalising the road, introduction of various user lanes, lighting, and much higher activity levels adjacent to the grade I listed church and within the view of the grade I listed Bradbourne House, will inevitably be harmful to that part of their setting that contributes to significance. These northern and southern parts (respectively) of the East Malling Village and Bradbourne East Malling Conservation Areas will, by the same effect, see a harmful impact to significance. This is the semirural nature of the lane, the semi-rural, intentional pastoral views from the listed house to the village, and the relative tranquility given the location near to busy centres and motorways. An application, even in outline form, needs to justify this harm.

5.1133 The NPPF paragraphs that are relevant to this, and should have been addressed in the heritage statement (which is in fact the EIA archaeology and heritage document), are as follows.

5.1134 Paragraph 201: 'local planning authorities should identify and assess [as above] the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset... they should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'. It is not clear from the submission whether the identified harm from the detailed part of the proposal, and indicatively through the outline element, could have been avoided or minimised. What are the alternatives? These questions lead to the following NPPF paragraphs.

- 5.1135 Paragraph 205: 'When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be'. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 5.1136 Paragraph 206: 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.'
- 5.1137 As discussed recently, my initial concern as set out above is that, whilst the majority of the proposal is in outline form, it is a significant, community-forming development which will transform the character of the area, including the increase in activity through the access on the western side. The EIS archaeology and heritage assessment is mainly a scoping document to identify what heritage assets would be affected, with some initial commentary on how the site forms part of the significance of the grade I listed Church of St James, the grade II listed Bradbourne House, the Bradbourne East Malling Conservation Area in which the house sits, and the East Malling Conservation Area. The report certainly scopes what heritage assets would be affected, but isn't very rigorous for use as a heritage statement responding to the masterplan. The Historic England GPA3 methodology which is referenced is not utilised, and the report is quite academic rather than policy-based. The Kerr document referred to throughout, using the term 'vestigial landscape' comes from a Conservation Plan guidance notes for protected European landscapes, which arguably isn't applicable to this. Therefore, I don't believe that the report fulfils the requirements of paragraph 200 of the NPPF, particularly when considered in the context of the size of the indicative development – the access and road improvement can't be considered just in terms of the physical impact, but also other factors of development. This includes lighting, which is referenced in the report, but also increased activity, which is likely to be significant in this case.
- 5.1138 To conclude, the detailed and indicative plans are likely to result in less than substantial harm, but it is difficult to determine at what point in the scale of harm until the reserved matters details are submitted. In which case, paragraph 208 of the NPPF applies, but as above, the local planning authority should be certain that harm has been avoided or minimised as far as possible, and that it is justified.
- 5.1139 **Environment Agency** (16/04/24) - We have no objections to the above proposal. However, this site is located within a source protection zone for groundwater abstracted for human consumption, and upon a principal aquifer. We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Land Contamination

5.1140 Condition 1:

No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

5.1141 Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

5.1142 Condition 2:

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

5.1143 Reason:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

5.1144 Condition 3:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

5.1145 Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework.

Drainage

5.1146 Condition 4:

No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

5.1147 Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

5.1148 Informative:

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water. Borehole soakaways must maintain an unsaturated zone all year.

### Foul Drainage

- 5.1149 It is understood that foul drainage will be directed to the mains sewer network and that no discharge to the environment is proposed. We have no objection to this. The developer must ensure there is adequate capacity in the on-site and off-site network prior to any occupation of any phase.

### Piling

- 5.1150 Condition 5:

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

- 5.1151 Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

- 5.1152 Informative:

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

### Waste Re-use

- 5.1153 The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA

- some naturally occurring clean material can be transferred directly between sites.

5.1154 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

5.1155 The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The waste management page on GOV.UK

5.1156 **KCC Flood and Water Management (17/04/24)** - Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment (March 2024) prepared by Charles and Associates and are able to provide the following comments:

5.1157 1. The LLFA understand from the report that the current situation of the land can be considered as greenfield and no existing drainage arrangements are present. The proposed redevelopment of the site will change this situation and as such a surface water drainage strategy has been outlined.

5.1158 The proposal presented within the report will be to utilise infiltration through a combination of attenuation basins and deep bore hole soakaways. Preliminary testing has been undertaken and has indicated that both options (shallow and deep) would be adequate to manage runoff.

5.1159 As rightfully raised within the FRA and supporting RSK Geosciences report, there is a risk of gull features within the Hythe Formation on site. From the investigations undertaken, there were areas identified on site that may contain such features. Therefore, as part of any future reserved matters application, we would request that dynamic probing is undertaken across the areas allotted for drainage features. This is to ensure that these features are not activated by the inundation/concentration of water.

5.1160 In addition to the request of dynamic probing, we would support the recommendation within the RSK Geosciences report (Section 11.7) of locating any infiltrating feature at least 10m away from any foundations. This is to reduce the risks associated with the gulls (sinkholes) further.

5.1161 2. The LLFA would raise the request of considering for redundancy within each of the drainage networks, to ensure they are resilient in the future. The preliminary design doesn't currently consider the potential of urban creep or the factor of safety value applied within the Microdrainage Modelling. These are items that

would need to be applied as part of the Reserved Matters applications, when the layout and density of housing are confirmed.

5.1162 3. It is acknowledged that the outline proposal for the surface water drainage scheme is divided into five separate networks. A phasing plan will be required as part of the Reserved Matters that clearly shows that each phase of development is served by its own independent network or that the drainage elements will be constructed as part of the enabling works. This is to ensure that the drainage is functioning as the development is being occupied.

5.1163 4. Future consideration of pollution treatment per individual drainage network/catchment area. This is to ensure that there is sufficient levels of treatment for each network. This should ideally be in accordance to the CIRIA SuDS Manual (2015).

5.1164 The LLFA would advise that the following conditions are applied to the application should consent be granted:

5.1165 Condition:

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

5.1166 Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

5.1167 Condition:

Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

5.1168 Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

5.1169 Condition:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment prepared by Charles and Associates (Revision A- March 2024). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

5.1170 Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

5.1171 Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

5.1172 Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

5.1173 **KCC Flood and Water Management** (19/12/24) - Kent County Council as Lead Local Flood Authority have reviewed the latest revision to the Illustrative Landscape Masterplan drawings (6116-LLB-XX-01-DR-L-P03) and can inform the LPA that we have no additional comments to provide. In view of this, we would refer back to our last consultation response dated the 17th of April 2024.

5.1174 **Southern Water** (17/04/24) - Protection of Public Apparatus

5.1175 Please see the attached extract from Southern Water records showing the approximate position of our existing foul sewer within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 150 mm diameter gravity sewers require a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

- All existing infrastructure should be protected during the course of construction works.

5.1176 Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://southernwater.co.uk/media/3011/stand-off-distances.pdf)

5.1177 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

#### Foul and Surface Water Drainage

5.1178 Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network

reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

- 5.1179 Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement.
- 5.1180 Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.
- 5.1181 Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for more complex applications our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:
- Initial feasibility, detail modelling and preliminary estimates.
  - Flow monitoring (If required).
  - Detailed design, including land negotiations.
  - Construction.
- 5.1182 Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.
- 5.1183 The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).
- 5.1184 Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:
- [water.org.uk/sewerage-sector-guidance-approved-documents/](http://water.org.uk/sewerage-sector-guidance-approved-documents/)
- [ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS](http://ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS)

- 5.1185 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 5.1186 Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
  - Specify a timetable for implementation.
  - Provide a management and maintenance plan for the lifetime of the development.
- 5.1187 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5.1188 The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
- 5.1189 We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

#### Adoption of Sewerage System

- 5.1190 This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 5.1191 If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective

residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

- 5.1192 **Network Rail** (18/04/24) - Network Rail is a statutory undertaker responsible for maintaining, operating and developing the main railway network and its associated estate. Our aim is to protect and enhance the railway infrastructure, therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests will also need to be carefully considered.
- 5.1193 Network Rail is a statutory consultee for any planning applications proposing development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway. It is important that planning applications acknowledge the need for the impact of new development to be assessed and mitigated, both on an individual site by site basis, as well as the cumulative impact of consented development.

#### Barming Station

- 5.1194 The station is near the proposed development, with the bulk of development proposed within a reasonable walking distance of the station, linked via the public right of way and bridleway. The station provides rail services within Kent and allows for a realistic alternative to using the car to travel to larger centres within the County. The station is classified as B3, which means that there is little step free access at the station. Platform 1 at the station is only accessible via a footbridge and Network Rail have identified improvements that could be made to make the station capable of supporting accessibility for all.
- 5.1195 The station has some facilities, many of which are usable when staff are present. There are no accessible toilets and only a single accessible ticket machine on Platform 2. At present, the station cannot support increased use from the proposed development without improvements. Network Rail and Southeastern railway would like to discuss opportunities around securing funding to improve the station.

#### Transport Assessment Volume 4 – Sustainable Transport Strategy

- 5.1196 Network Rail notes the amended TA Vol 4 submitted as part of the application. The TA Vol 4 in para 4.6.13 highlights that rail is considered to form a key component of the overarching transport strategy for the site noting the development's proximity to Barming station. Paras 4.6.15 and 4.6.16 note the intention to improve interchange facilities and potentially access to the London-bound platform.

- 5.1197 Network Rail and Southeastern would welcome the securing of improvements linked to these and would be keen to engage with the Council and applicant to resolve these as soon as possible. Network Rail note the proposed improvements related to bus stops within the application however, notwithstanding this, further improvements to the station and its surrounds would be necessary.
- 5.1198 Whilst the application lacks rail trip generation figures, given the proposed development's scale and type (residential) and proximity to the station, as confirmed by the applicant's Transport Statement, it is reasonable to assume that this development will generate a significant number of railway trips.
- 5.1199 Network Rail advocates for the establishment of first and last mile principles linking housing developments with rail stations via walking and cycling routes. The proposed development should, where possible, support these principles by providing safe, accessible and well connected walking and cycling routes from the development to the rail station. Network Rail notes that there are proposals to increase cycle routes and this is supported so long as they provide safe and accessible connections between the development and the rail station. To complement this, Network Rail seeks improvements to the existing cycling facilities at the station as part of this application.

#### Asset Protection

- 5.1200 Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.
- 5.1201 The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-afterthe-railway/asset-protection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.
- 5.1202 Where applicable, the applicant must also follow the Asset Protection informatives enclosed within the appendix of this response. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

#### Contributions towards improvements of the rail network

- 5.1203 Network Rail seek third party financial contributions where the impact of new development is likely to put additional pressure on existing facilities and where upgrades and improvements would account for increased use. The need to reduce the use of the private car, especially in areas of high congestion and difficulties in accessing the strategic road network, provides opportunities to encourage use of the rail network as a genuine alternative to promote active and sustainable travel.
- 5.1204 As noted above, Barming station has limited facilities and require improvements to mitigate increased use. There are also significant access issues which should be addressed.

#### Summary

- 5.1205 In summary, Network Rail note the proposed development and the proximity of this to Barming station. The rail station offers a genuine alternative to using the private car for local travel as well as serving commuters accessing other parts of Kent or into London. The application identifies the importance of Barming station in serving the proposed development and improvements to the station are required to facilitate its increased use. Therefore contributions are requested to fund the identified improvements.
- 5.1206 Network Rail and Southeastern are keen to work with the Council and the applicant to ensure sufficient facilities at Barming station are provided to accommodate increased use from both current and future users and mitigate issues associated with this.
- 5.1207 The developer must ensure that their proposal, both during construction and after completion does not:
- encroach onto Network Rail land
  - affect the safety, operation or integrity of the company's railway and its infrastructure
  - undermine its support zone
  - damage the company's infrastructure
  - place additional load on cuttings
  - adversely affect any railway land or structure
  - over-sail or encroach upon the air-space of any Network Rail land
  - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
- 5.1208 Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

#### Future maintenance

- 5.1209 The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/ or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.
- 5.1210 This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.
- 5.1211 As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. all possession, site safety, asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land.

#### Plant & Materials

- 5.1212 All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

#### Drainage

- 5.1213 Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

#### Scaffolding

- 5.1214 Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

#### Piling

- 5.1215 Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### Fencing

- 5.1216 In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point during or post construction should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation within Network Rail's land boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

#### Lighting

- 5.1217 Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

#### Noise and Vibration

- 5.1218 The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway should be made aware to the future occupiers of the site. It must also be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information.

- 5.1219 The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains. The appropriate building materials should be used to reduce any potential noise disturbance from the railway.

Vehicle Incursion

- 5.1220 Where a proposal calls for hard standing area/parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Landscaping

- 5.1221 Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. If required, Network Rail's Asset Protection team are able to provide more details on which trees/shrubs are permitted within close proximity to the railway.

Existing Rights

- 5.1222 Whilst not a planning matter, we would like to remind the applicant of the need to identify and comply with all existing rights on the land. Network Rail request all existing rights, covenants and easements are retained unless agreed otherwise with Network Rail.

Property Rights

- 5.1223 Notwithstanding the above, if any property rights are required from Network Rail in order to deliver the development, Network Rail's Property team will need to be contacted.
- 5.1224 **Network Rail** (07/11/25) - Further to the on-going discussions over a CIL compliant contribution towards Barming station, I can confirm that National Rail (NR) and the applicant have agreed a contribution of £442,500 in total. This comprises the following:

- £35,000 - installation of new footpath;
- £7,500 - new station signage;

- £100,000 - new, secure cycle hub; and
- £300,000 - necessary to provide an improved passenger experience to accommodate increased use and encourage users to travel on the rail network.

5.1225 I would request that all contributions are index linked to the Consumer Price Index. Subject to the detail being included in the s106 legal agreement, NR are satisfied that the contributions provide for sufficient enhancements to Barming station and are content for TMBC to determine the planning application as necessary.

5.1226 **NHS Kent and Medway Integrated Care Board (25/04/24)** - NHS Kent and Medway Integrated Care Board (ICB) has responsibility for planning healthcare services in Kent and Medway. This includes reviewing planning applications to assess the direct impact on healthcare.

5.1227 I refer to the above full planning application which concerns the proposed residential development comprising up to 1,300 dwellings.

5.1228 NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare services and is of the opinion that it will have a direct impact, which will require mitigation through the payment of an appropriate financial contribution.

5.1229 In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122), requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

5.1230 We have applied these tests in relation to this planning application and can confirm the following specific requirements.

5.1231 £1,166,256 towards refurbishment, reconfiguration and/or extension of existing general practice or other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare Estates and Infrastructure Strategy for the area.

5.1232 The obligation should also include the provision for the re-imburement of any legal costs incurred completing the agreement (where relevant).

Justification for infrastructure development contributions request

5.1233 This proposal will generate approximately 3,120 new patient registrations in general practice based on the dwelling mix provided in Appendix 1. The proposed

development falls within the current practice boundaries of Aylesford Medical Practice, Blackthorn Medical Practice, Waterringbury Surgery and The Medical Centre Group. The proposal will also increase demand on other healthcare services provided to the local population and will need to be considered as part of the integrated models of care that will be developed along with the infrastructure strategy for the West Kent Health and Care Partnership area.

5.1234 There is currently limited capacity within existing healthcare premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice and other healthcare premises. Whilst it is not possible at this time to set out a specific premises project for this contribution, we can confirm that, based on the current coverage of health care services and location of this application, we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

5.1235 In addition to the above, we request that any S106 agreement regarding a financial contribution recognises the following:

- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development and for there to be a maximum of two triggers.
- Allows the contribution to be used towards new premises in the area serving this population in line with the Estates and Infrastructure Strategy and priorities for the West Kent Health and Care Partnership area.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.

5.1236 **KCC Minerals and Waste (19/04/24)** - I can confirm that the application site is coincident with or within 250 metres of any safeguarded mineral processing or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.

5.1237 With regard to land-won minerals safeguarding matters it is the case that the area of the application site is coincident with a safeguarded mineral deposits in the area, they being the Hythe Formation (Ragstone), as shown in the extract from the Mineral Safeguarding Area proposals map (below) for the Maidstone Borough area, as part of the adopted proposals maps of the Kent Minerals and waste Local Plan 2013-30 as amended by the Early partial Review 2020, the application's submitted documentation (the submitted planning application site plan below is included for reference) shows that the proposed development is coincident with this safeguarded landwon mineral deposit.

5.1238 Therefore, the application details should include a Minerals Assessment (MA) to determine if the safeguarded mineral deposit is not being needlessly sterilised by the development proposed, and if it is, whether an exemption to mineral safeguarding pursuant to Policy DM 7: Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (as amended by the Early Partial Review 2020) can be invoked. He submitted Planning Statement does not address mineral safeguarding, though the Environmental Statement Addendum: Volume 1, Main Text, Chapter 13- Soils, Geology and Contaminated Land does make reference to the need to do so. It states:

*13.26 Therefore, consideration must be given under policy DM7 and DM9 of the KMWLP to whether the mineral could be subject to prior extraction, and economic and environmental viability of extraction. The KMWLP Section 7.5.5 states:*

*However, applications for non-mineral development located in MSAs, which are promoted as a 'windfall site' (sites not allocated in a development plan) or which are being promoted on allocated sites that have not been the subject of a 'Minerals Assessment, will usually need to be accompanied by such an assessment. This assessment will be prepared by the promoter and will include information concerning the availability of the mineral, its scarcity, the timescale for the development, the practicability and the viability of the prior extraction of the mineral. Guidance on undertaking Minerals Assessments is included in the BGS Good Practice Advice on Safeguarding.*

5.1239 However, this has, it appears yet to be done and an exemption criterion of Policy DM 7 argued, or the exemption afforded by that of Policy DM 9, has not been advanced in the submitted application's details. It appears. Therefore, the County Council wishes to maintain a holding objection until this matter is addresses and an exemption to the presumption to safeguard the land-won minerals has been successfully made.

5.1240 **KCC Minerals and Waste (10/02/25)** - In the County Council's previous response (Appendix 3) the inclusion of a Minerals Assessment (MA) was advised to provide an exemption criterion as set out in Policy DM 7 of the Kent Minerals and Waste Local Plan (KMWLP) 2013-30 (as amended by the Early Partial Review 2020). In the absence of an exemption, requirements of KMWLP Policy DM 9 cannot be met due to an inability to prove that any prior extraction of the mineral resource would have an acceptable impact on the environment or communities. Within the revised planning application documents; the County Council notes that a Minerals Assessment has not been submitted.

5.1241 Further review of the Planning Statement submitted in March 2024 does not provide any reference to land won mineral safeguarding. Within Volume 1 Chapter 13 of the Environmental Statement submitted 12th March 2024, mineral safeguarding is referenced through statements of the exemption criteria requirements of Policy DM 7, and the acceptability of any prior extraction as set

out in Policy DM 9. However, this does not include an assessment of the proposal's compliance with these requirements.

- 5.1242 Therefore, the position of the County Council in respect of Minerals and Waste Management is to maintain a holding objection until these matters are addressed.
- 5.1243 **KCC Minerals and Waste (13/05/25)** - Having looked through the applicant's submitted Mineral Assessment (MA) and have the following comments to make.
- 5.1244 The MA correctly identifies the safeguarded minerals present at the application site, they being the Sandgate Formation and the Hythe Formation (Kentish Ragstone). Of the two it is a reasonable conclusion that the very minor amount of Sandgate Formation present, and its general lack of current exploitation it is not of importance in the context of this proposal.
- 5.1245 The Hythe Formation is, however, a significant mineral resource that is being exploited in close proximity to the application area (the established Hermitage Quarry to the south). The safeguarding of this mineral deposit is important as it is Kent's only hard rock resource that appears to be able to be economically extracted. The MA has attempted an estimation of the potential resource in the application area being 4.356 million tonnes. Though this is predicated on a 50% loss rate to the Hassock based materials. This may be inaccurate given that there has been significant progress towards recovering more useful aggregate supply from the Hassock horizons present in the Ragstone. Therefore, this may be an underestimate. The viability of any mineral deposit is not only a quantitative matter, but a qualitative consideration. The MA correctly recognises the fact that extensive quarrying operations nearby indicate that the deposit is in all probability of usable quality as an aggregate material. The MA's contention that this is a relatively low demand construction material is unproven. Therefore, at least 4.356 million tonnes (probably more) of aggregate (and other uses) mineral supply are threatened with sterilisation. It should be noted that the County Council's aggregate monitoring process has demonstrated that at least 17.4 million tonnes of additional hard (crushed) rock land-won resources are required to 2039. Therefore, the mineral threatened with sterilisation is potentially a significant contributor to future supply.
- 5.1246 To exploit this mineral resource would require a significant investment in the form of a hard rock quarry that would result in a lowered levels and a completely different area that may or may not be suitable for further development along the lines of what is proposed. Moreover, it is very unlikely that there would be any probability that the site would be restored back to original levels, given the fact that much of the inert waste stream (arising from construction, excavation and demolition activities) is now being reused and recycled.
- 5.1247 Therefore, the issue is one where the exemption criteria of Policy DM 7 of the Kent Minerals and Waste Local Plan 2024-39 should be considered when determining the application.

- 5.1248 In determining the application, it is my view that mineral safeguarding exemption criterion 1 is unproven, criterion 2 may be applicable if the material is unusable (but this is thought unlikely) or that there are significant practical problems with mineral extraction. Criterion 3 may be applicable if the wider impacts on communities or the environment are unacceptable (see Policy DM 9 of the Kent Minerals and Waste Local Plan 2024-39). Criterion 4 is irrelevant. Criterion 5 is a matter for the determining authority to consider, this may be a reasonable ground to offset the presumption to safeguard. Criterion 6 is irrelevant. Criterion 7 can only apply if there is documented evidence that mineral safeguarding was considered comprehensively at the local plan allocation consideration during the formulation of the adopted local plan for the area.
- 5.1249 **KCC Heritage Conservation** (31/05/24) - The County Council has reviewed the application and provides the following commentary:
- 5.1250 This site does not contain any designated heritage assets, but it does have potential for as yet unknown significant archaeological remains. There are known Palaeolithic artefacts from this site and this suggests potential for Early Prehistoric remains, some of which could be of considerable importance. This proposed scheme includes a new access which would pass very close to several designated heritage assets within East Malling, including Grade I listed St James Church and the Scheduled Monument of East Malling Roman villa.
- 5.1251 In view of the proximity of the Scheduled Monument of East Malling Roman villa and the Grade I St James Church, the County Council recommends that Historic England is consulted on this proposed scheme. The reports supporting this consultation suggest no designated heritage assets would be impacted by this scheme and as such no designated heritage assets are going to be assessed. This is absolutely not the case, and the applicant needs to provide clarity on the proposed road to the west and to provide appropriate assessment.

#### Archaeology

- 5.1252 Although this site does not contain many known Historic Environment Records (HER) sites, it has not been subject to any reasonable archaeological fieldwork. This means the archaeological potential is more “unknown” than “low”. The current understanding of the scale, nature and significance of past human activity within the proposed development area (PDA) is limited. Assessing the potential for Prehistoric, Roman and Early Medieval archaeology can be improved through understanding the geology and topography of the site and identifying key natural resources, such as water and wood. There are some indications from cropmarks, LiDAR data and especially recent archaeological investigations adjacent, that this area has been more utilised from the prehistoric period onwards, compared to earlier periods.
- 5.1253 The geology of the site seems simple, that of Hythe Beds. However, these deposits can contain ragstone and fissures, which can contain remnants of Early

Prehistoric activity. The topography also seems relatively flat and is predominantly heathland, high and well drained soils, with remnant evidence of ancient woodland and field boundaries. Such areas would be favourable for prehistoric and later occupation and settlement but also important for grazing and access to resources. The County Council notes that some data from the applicant's assessment seems to suggest possible barrow or mound within the site and this higher ground may be a place of ritual activity.

- 5.1254 There have been several archaeological investigations in the surrounding open fields and these have tended to reveal new Bronze Age and Iron Age settlement sites. There are Roman sites in the area, including East Malling Roman villa and Roman settlement to the east and north, and there is potential for isolated farms, settlements or burial sites.
- 5.1255 Some of the surrounding historic farm complexes, some of which still contain designated historic buildings, may be of Medieval origins. To the south of the site, within Well Wood, is a rectangular enclosure considered to be a Medieval settlement site. Remains associated with this medieval site could extend into the southern part of the development site.
- 5.1256 The late 19<sup>th</sup>/early 20<sup>th</sup> century OS maps indicate orchards and horticultural use, but parts of the site may contain remnants of field systems and designed landscape. Early OS maps clearly show an avenue extending south from Preston Hall, medieval and Post Medieval high status residence. Although much of this avenue has been lost, it's alignment is still reflected through footpaths and property boundaries. This avenue alignment would be worthy of being part of a positive heritage measure and be established as a historic footpath in the proposed landscape plan. The proposed westerly access road extends past the East Malling Research Centre. This was an important 20th century research facility which led the way in innovations in transport and preservation of food products, particularly fruit, and was a national focus for horticultural research and experimentation measures. The buildings and research facilities are of heritage interest. They need to be considered as part of this major development because the development could have an impact on the setting of the EMRC, with the loss of the extensive horticultural landscape.
- 5.1257 In view of the limited extent of known HER data, the archaeological assessment is inadequate without some element of supporting data from fieldwork. The County Council recommends a geophysical survey and targeted archaeological trenching is undertaken to ensure the archaeological assessment is meaningful. For example, the assessment notes a possible mound in a corner close to Deadmans Wood and this could be a barrow. The County Council suggests it is essential to understand if a cemetery site is within the application site. Predetermination evaluation work is highlighted in paragraph 200 of the NPPF.

#### Archaeological Landscapes

- 5.1258 In view of the low level of past development on this site, there is high potential for the field systems to reflect post medieval or earlier origins. The lanes, footpaths, hedgerows, etc. may have Medieval origins. Furthermore, given the proximity of the East Malling Roman villa and the Iron Age activity known to the east, some of the field systems may have Roman or prehistoric origins.
- 5.1259 Preston Hall manorial complex and high status house was situated to the north but its associated designed landscape, including carriage rides, pastoral and agricultural activities, would have extended south into the proposed development site, such as an avenue of trees, marked on early OS maps and partly surviving. As such there is potential for archaeological landscape remnants of importance.
- 5.1260 The early OS maps and Tithe Maps provide some indication of past activities and land uses, some of which may seem obvious but others, such as Deadmans Wood, are less clear. Semi-natural ancient woodland can contain physical evidence of post medieval or earlier woodland industries, for example charcoal burning, saw pits, wood banks etc.. Interpretation of the landscape is essential to inform potential as well as gaining an understanding of the archaeological resource. The County Council notes the proposed retention of Deadmans Wood, with a fence around it, but there still needs to be assessment of the archaeological resource within it, partly to inform the potential for archaeology adjacent and partly to inform a heritage interpretation strategy. This major residential development will have an impact on the woodland.

#### Built Environment

- 5.1261 Although the PDA does not contain any designated historic buildings, the proposed scheme is likely to have an impact on East Malling medieval village, St James Church and several nearby historic farm complexes. St James Church has a very sensitive setting, character and possible "lost" associated remains. Detailed assessment of the impact from the proposed westerly access road and the increased traffic through East Malling, especially towards the station, needs to be undertaken to ensure assessment of impacts are clear and mitigation is appropriate.
- 5.1262 This issue was raised before and the archaeological assessment does consider the westerly access but there is still no reasonable assessment of impacts on East Malling medieval village.

#### Assessment

- 5.1263 The County Council recognises that this outline application is supported by assessment of archaeology and heritage issues. Chapter 15 Vol 1 ES provides a brief summary of cultural heritage but there is some mention of heritage in the Planning Statement and Design and Access Statement. There is no fieldwork data to support the desk-based work and as such the archaeological assessment is not definitive or sound.

- 5.1264 In general, the Desk Based Assessment and Environmental Statement assessment provide a useful summary of the archaeological potential but are insufficient in depth and understanding of the known and potential archaeological resource of the PDA. Chapter 15 tends to focus on archaeological landscape issues and the consideration of potential for buried archaeology is extremely limited. The County Council notes that some issues have been raised before and have been considered but there are still some issues which need further assessment prior to determination of this application. A fundamental flaw is the lack of supporting fieldwork data. As such the archaeological assessment is not yet of sufficient depth to provide reasonable guidance on archaeological issues.
- 5.1265 In view of this the County Council recommends the following further assessments are essential prior to determination of this application:
- Greater in-depth assessment of designated heritage assets of St James Church and East Malling Roman villa and their settings, in view of their close proximity to the proposed access to New Road. Historic England needs to be consulted on this scheme with particular clarity needed on the western access route;
  - A specialist geoarchaeological and Palaeolithic assessment;
  - An additional Archaeological Landscape Assessment for ERM to ensure the impact on the setting and significance of ERM is fully understood;
  - A Geophysical Survey in view of the limited nature of HER and the size of this proposed development; and
  - Targeted fieldwork, including consideration of targeted trial trenches to “ground truth”, desk-based and geophysical survey data. This would ensure the archaeological assessment is evidence-based and suitable mitigation can be proposed.
- 5.1266 The County Council recommends the above further archaeological assessment is necessary pre-determination to ensure the archaeological assessment is sound for such a major application and that it provides meaningful evidence-based mitigation. Once a fully informed archaeological assessment has been achieved, archaeological mitigation could be addressed through suitable conditions. At the appropriate time, the County Council would like to recommend suitable conditions (such as AR5 and AR1 for geo-archaeological work).
- 5.1267 Once a robust and comprehensive archaeological assessment has been achieved, the County Council would welcome discussions on positive heritage measures to support this major development. At present, the applicant is not proposing any heritage benefits. There are opportunities to utilise heritage to enhance the development’s landscape masterplan and to ensure there is raised awareness, understanding and enjoyment of the local heritage of the site. In accordance with Section 16 of the NPPF, such major developments need to take into account the local heritage and provide enhancement measures.

- 5.1268 There are opportunities for heritage enhancement measures for this major development, although it would be preferable for such measures to be suitably informed. Preliminary recommendations for positive heritage measures could include:
- Reflecting historic landscape features in the landscape design, such as the Preston Hall access avenue designed as a footpath, interpretation for Deadman's Wood, retention of archaeologically important hedgerows and field boundaries and retention of footpaths identifiable on early OS map;
  - Interpretation measures where the access road runs past EMRC; and
  - Interpretation measures where the access road runs past the East Malling Roman villa.
- 5.1269 Such positive measures could be addressed through a condition although it would be preferable to have a specific heritage interpretation measures item in a S106 Agreement.
- 5.1270 **KCC Heritage Conservation (06/01/25)** - This site does not contain any designated heritage assets but it does have potential for as yet unknown significant archaeological remains. There are known Palaeolithic artefacts from this site and this suggests potential for Early Prehistoric remains, some of which could be of considerable importance. This proposed scheme includes a new access which would pass very close to several designated heritage assets within East Malling, including Grade I listed St James Church and the Scheduled Monument of East Malling Roman villa.
- 5.1271 I welcome the additional predetermination archaeological assessment reports submitted at this stage. These reports include a predetermination targeted evaluation of some of the areas of the site by CAT; a focused assessment on 19th century landscape; a focused assessment on the East Malling Roman villa; and a focused assessment on St James Church East Malling and village. I would like to provide specific comments on these reports but also on the proposed scheme plans submitted at this stage.

Predetermination Targeted Evaluation Report (CAT)

- 5.1272 I welcome this targeted evaluation and confirm I was fully consulted and undertook site monitoring visit. Only 32 trenches were excavated and as such this is an exceptionally limited evaluation. The location of trenches focused on possible sensitive areas, such as close to East Malling Roman villa and medieval settlement, and geophysical anomalies and sites highlighted by the DBA. The results cannot be taken to provide a reasonable assessment of the entire site, especially of as yet unknown archaeological remains, but the results are helpful.
- 5.1273 The evaluation did locate archaeological remains, ranging from a possible Iron Age/Romano-British occupation site and post medieval quarries with clarification of some natural features. Figure 5 of the Evaluation Report shows the distribution

of trenches, clearly reflecting the limited assessment. In addition Trenches 17, 18 and 19 were not able to be tested and these were located close to a possible medieval occupation site.

5.1274 Trenches closest to the Roman villa and to the medieval settlement of East Malling seemed to suggest truncation of the area south of the existing access road. There is still potential for Roman or later remains in this area but the trenching suggests there are no extensive significant remains although there was evidence of some activity.

5.1275 The pre determination evaluation report is acceptable and welcome but I would like to stress the targeted nature of the fieldwork, limiting its value to provide comprehensive assessment across the whole of the site. The report suggests there is low potential for archaeological remains but I consider this is based on limited information.

Focused assessment of East Malling Roman Villa Report (CAT)

5.1276 This focused assessment is welcome but the report seems to provide only a summary of the villa and other heritage assets, along with current details of the scheme, rather than a focus on the roman villa. There is no detailed assessment of the villa, its setting and the wider palaeo-landscape. There is no detailed assessment of the recent findings from the community excavation works, which have suggested Roman remains extend beyond the SAM. There is very limited assessment of the impact of the proposed scheme on the villa's potential palaeolandscape and setting. There is proposed mitigation but the mitigation is not robustly evidence-based.

5.1277 Paragraph 8.1.3 suggests the report will "*analyse the impact this may have on the historical setting of the Scheduled villa site.*" but I consider this is not robustly addressed. The report goes straight to Mitigation (8.2) and I suggest a greater section on "analysis" is needed. For example, vegetation barrier planting is suggested but is this sympathetic to a Roman villa landscape character? It would be helpful to have included in the report a greater analysis of Roman villas and their characters across Kent. What is the evidence of land use from excavations of the Roman villa, including the recent excavations? East Malling Roman villa is likely to have had locally distinctive attributes combined with contemporary building and designs of the time. Just putting in barriers is not necessarily appropriate for East Malling Roman villa.

5.1278 The Heritage Statement on East Malling Roman villa by CAT is welcome but I suggest it does not provide an in-depth assessment of East Malling Roman villa and its landscape nor does it provide a detailed analysis of the potential impact of the proposed development on the East Malling Roman villa's setting and landscape, especially given the recent discoveries by the community excavations.

Focused assessment of St James's Church and East Malling historic settlement

- 5.1279 I welcome this report but again consider the analysis of proposed impact is not clearly evidence-based and wide ranging enough to include sufficient consideration of the palaeoenvironment of East Malling as a medieval village. This is important because East Malling still very much reflects a medieval layout set within a landscape of fields, woods, farm buildings and routeways. For example, there is insufficient examination of the field boundaries, footpaths and land-use which may be remnants of the medieval or post medieval landscape. There is considerable focus on the landscape of the Bradbourne House parkland but this is a 19th century landscape and I would suggest remnants of archaeological landscape features directly associated with East Malling village are of equal or greater importance with regard to the proposed scheme, especially the SMC. I recommend greater consideration of the medieval and post medieval archaeological landscape features directly associated with East Malling village is needed. This would ensure that proposed mitigation is robustly informed and appropriate. In my original comments I recommended an Archaeological Landscape Assessment and this has only been done as a focused assessment of the 19th century landscape associated with Preston Hall.
- 5.1280 I suggest the proposed heritage mitigation of “barriers” is not necessarily appropriate. It needs to be recognised, for example, that the church tower is a significant archaeological landscape feature in that it showed location of village from a distance, direction of travel to the village and stood out in the landscape as a tall building. It is still not clear what the impact of additional lighting along the SMC and new housing will have on the understanding and appreciation of the church as a medieval archaeological landscape structure.
- 5.1281 The viewpoint images are useful but most seem to be taken of and from Bradbourne House and parkland. I suggest further focused assessment of the medieval village landscape may highlight some more significant viewpoints to be considered, especially, for example of East Malling Church from Hermitage Lane, from neighbouring settlements, and from historic footpaths. I recognise that there are elements of aerial photos, LiDAR and documentary evidence and use of viewpoint shots in the DBA and ES chapter 15, but this report would benefit from a more focused use of these resources specifically on the church and medieval village aspects.
- 5.1282 The report notes that the SMC (Sustainable Movement Corridor) is to be used for buses, pedestrians and cyclists and “necessary vehicular access” but I have concerns that this is not going to be enforceable and I note cross-section figure in Appendix 5 shows a car. How will the developer ensure that the SMC is not used by cars to a level which would have detrimental impact on East Malling medieval settlement character? I would also query that buses could still have a detrimental impact on medieval church building and nearby historic buildings through vibration and noise.

Nineteenth century park landscape associate with Preston Hall Aylesford

- 5.1283 I welcome this focused report and I welcome the focus on the two routeways through the application site, one being the Preston Hall avenue and the other being a direct routeway to Holt Hill, both being part of the Preston Hall designed wider parkland landscape. The avenue is remarkably long and straight and although it has been eroded from the mid-20th century onwards, especially most recently, there are remnants surviving. The routeway to Holt Hill is less well defined but its straightness suggests an intentional part of a carriageway for Preston Hall. However Holt Hill would probably have been a focus from prehistoric period onwards. I welcome the positive approach to the historic value of these two routeways and raising awareness, understanding and appreciation of them is a positive heritage measure.
- 5.1284 There are a few unnecessary parts to this report, such as the inclusion again of the Archaeological Background covering all periods which is not essential in what should be a “focused” report. In addition, Appendix 3, Designations – seems to be rather the Kent HER brief descriptions and I am not sure of the reasoning for its inclusion. Also this report would greatly benefit from inclusion of a greater number of aerial photographs, LiDAR analysis and documentary evidence from Preston Hall estates, especially maps and related documents.
- 5.1285 I recognise that there are elements of aerial photos, LiDAR and documentary evidence in the DBA and ES chapter 15, this report would benefit from a more focused use of these resources specifically on routeways.
- 5.1286 Although I welcome this report, some additional documentary research would be helpful as well as further analysis of the species of trees used for the avenue, routeway and wider Preston Hall parkland. This would ensure that the mitigation is comprehensive and sound across the entire proposed scheme.
- 5.1287 Unfortunately at present, I consider the proposed mitigation for the two historic routeways is not good. The proposed mitigation does not truly reflect the historic character. When considering the Illustrative Landscape Masterplan, for example, the proposed routeway for the Preston Hall avenue meanders. This is totally contrary to an avenue which is straight. In addition, there are no indications of specimen tree planting and restoration in two lines. The proposed landscaping seems to be isolated trees or bushes and clusters of “woodland”. The Preston Hall avenue was four or two lines of distinctive specimen trees. I would welcome this sharp line to be visible in the masterplan landscaping plan. Although the Holt Hill routeway is still open, it is not defined as a routeway, not even as a clear pedestrian walkway. Again there seems to be random bushes or small trees along the alignment which obscures the straightness of the historic routeway. This major proposed development has the opportunity to utilise historic routeways to provide distinctive form and pattern to the housing layout but at present this is opportunity is not being recognised. I recommend there is more appropriate consideration of appropriate mitigation for these routeways.

Review of pre-determination archaeological assessment

- 5.1288 With regard to my original recommendations, I can confirm that the geophysical survey and a limited archaeological evaluation have been done. This is welcome and the results are helpful. However, the fieldwork has been exceptionally limited and it needs to be noted that the trenches towards a possible medieval settlement have not been done.
- 5.1289 There have been focused reports on East Malling Roman villa, St James Church and East Malling village, and on the 19th century landscape of Preston Hall but all of them would benefit from revisions to ensure mitigation is fully informed. It is essential that this major development recognises the impacts on significant archaeology, provides enhancement measures and suitably informed and appropriate mitigation.
- 5.1290 There has not been a specialist geoarchaeological and palaeolithic assessment. I recognise that some limited geoarchaeological and palaeolithic assessment has been done in the DBA and ES chapter 15, a more specific assessment would be helpful to ensure any further preliminary fieldwork, such as geoarchaeological test pits, would be appropriate.
- 5.1291 There has not been an additional Archaeological Landscape Assessment for East Malling Research Station with the aim of ensuring the impact on the setting and significance of the 20th century research facility is fully understood and mitigated. I recognise the consideration of East Malling Research facility in the reports so far produced, but a focused report which includes both the research aims of the centre, the development of the facility and possible lost remnants, both structural, cultural remains and plant/fruit specimens, would be useful. This would ensure the impact of the loss of EMRC's land is recognised and reflected in the development's design and layout, including the increased use of the SMC.
- 5.1292 I recommend the above further archaeological assessment is necessary pre-determination to ensure the archaeological assessment is sound for such a major application and that it provides meaningful evidence based mitigation.
- 5.1293 I maintain concerns about the limited approach to recognise opportunities for heritage enhancement measures for this major development. The preliminary archaeological reports highlight some distinctive archaeological elements which need some essential mitigation but also present opportunities for development enhancement measures.
- 5.1294 **KCC Heritage Conservation (04/09/25)** - Further to my comments of 6 January 2025, the applicant has provided additional information and I would like to submit further comments for the above outline application for redevelopment at the above site, including up to 1,300 residential units; primary school; new access from Hermitage Lane and Kiln Barn Road; sustainable transport link extending to New Road, East Malling; formal open space; landscaping; and associated infrastructure.

- 5.1295 The applicant has already submitted predetermination archaeological assessment reports. These reports include a predetermination targeted evaluation of some of the areas of the site by CAT; a focused assessment on 19th century landscape; a focused assessment on the East Malling Roman villa; and a focused assessment on St James Church East Malling and village. I provided specific comments on these reports with recommendations for further assessment works. There has been liaison with the applicant and their archaeological consultant, CAT.
- 5.1296 I welcome a revised Archaeological Landscape Assessment (V4). This report includes considerable additional plans and map data. No further revisions are needed but this report needs to be used to inform mitigation, especially for the 19th century Preston Hall landscapes and early routeways.
- 5.1297 I note the additional statement on need for the SMC. The report notes that the SMC (Sustainable Movement Corridor) is to be used for buses, pedestrians and cyclists and “necessary vehicular access” but I still have concerns that this is not going to be enforceable and I note cross-section figure in Appendix 5 shows a car. To ensure there is no detrimental impact on medieval East Malling church building and nearby historic buildings, from noise, vibration, visual impact, setting, there needs to be comprehensive mitigation for the church and village.
- 5.1298 Unfortunately at present, I consider the proposed mitigation for the two historic routeways is not good. These issues were discussed during the liaison with the applicant and their archaeological consultant, CAT, but I would welcome more appropriate consideration of appropriate mitigation for these routeways, such as removing the curved nature of the access road on the east side of the development.
- 5.1299 As mentioned, the pre determination evaluation report is acceptable and welcome but I would like to stress the targeted nature of the fieldwork, limiting its value to provide comprehensive assessment across the whole of the site. The report suggests there is low potential for archaeological remains but I consider this is based on limited information.
- 5.1300 I can confirm that no further pre-determination archaeological assessments are essential but I would welcome details of proposed positive mitigation for archaeological landscapes. I consider buried archaeological issues can be addressed through a condition requiring a phased programme of archaeological works.
- 5.1301 However, I maintain concerns about the limited approach to recognise opportunities for heritage enhancement measures for this major development. Some positive enhancement measures require revisions to the proposed masterplan and I would welcome clarification on progress on such mitigation
- 5.1302 **KCC Public Rights of Way** (11/04/24) - Public Footpaths MR102, MR481, MR485, MR486 and Public Bridleway MR484 would be directly affected by the

development, with the wider network significantly impacted in the ways mentioned above and below.

- 5.1303 The substantial size of this development will have an adverse/high impact on the PROW network, both on and off site through increased use, loss of amenity and future generation of traffic.
- 5.1304 KCC PROW and Access request the following is provided by condition if permission is granted :
- 5.1305 PROW Management Scheme to cover both construction and operation, provided and agreed by KCC PROW and Access as the Highway Authority for Public Rights of Way, at any future Reserved Matters stage of the application. This should detail widths, surfaces and path management during the development process, to ensure a timely and legal build out and reduce the negative impact on the PROW use.
- 5.1306 We would advise the applicant of the following in relation to the PROW affected by the development and in terms of the wider area connectivity:
- 5.1307 1. A full multiuser route should be provided initially beside what looks like the new access road at the East Malling end, which also incorporates some of the western end of MR102, then an upgrade of the eastern half of MR102/MR486 to link with bridleway MR484 to provide an east/west bridleway/cycle link. This upgrade can be achieved through a Creation Agreement with landowner consent. The creation of new paths and upgrading of existing routes should be considered as positive outcomes of the scheme and we advise the applicant to engage with ourselves to ensure the correct legal process is followed.
- 5.1308 2. Routes within the site should either be maintained on their current alignments, segregated from the road network in order to keep them traffic free, or diverted to appropriate new routes, also traffic free and surfaced to all weather standards. Any diversion proposal must be agreed by ourselves and follow the due legal mechanism of either TCPA or Highways Act legislation.
- 5.1309 3. As mitigation for increased use of the Network in the area, as well as the impact on the amenity of the use (Landscape/visual), the loss of recreational walks in the countryside, we would seek S.106 funding for offsite improvements to MR484 north and east of the development to complete the links detailed above and improve off road connectivity for the wider area. We refer the applicant to the KCC Rights of Way Improvement Plan which outlines our objectives for improvement opportunities across the PROW Network.
- 5.1310 4. We would seek S.106 funding for improvements to MR100 to link to the development to the north.

- 5.1311 5. We would seek S.106 funding for improvements to MR481 between the proposed development and Finch Close to improve pedestrian links.
- 5.1312 6. The above will provide recreational, health and well-being benefits as well as connectivity and encourage modal shift.
- 5.1313 7. In consideration of Kent Design standards and Police guidance, any forthcoming master plan should keep PROW within overlooked areas of Open Space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PROW network.
- 5.1314 8. We advise engagement with the British Horse Society due to the level of equestrian use of the area network.
- 5.1315 Comments are made in reference to the following planning policy.
- 5.1316 NPPF (December 2023) para. 96: 'to achieve healthy, inclusive and safe places', which specifically encourage social interaction, minimise crime and disorder and the fear of such, and enable and support healthy lifestyles.
- 5.1317 NPPF (December 2023) para. 97: to 'plan positively for the provision and use of shared spaces... support the delivery of local strategies to improve health, social and cultural well-being...guard against the unnecessary loss of valued facilities and services...and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'.
- 5.1318 NPPF (December 2023) para. 102: to be 'based on robust and up-to-date assessments of the need for open space, sport and recreation facilities ... and opportunities for new provision.'
- 5.1319 NPPF (December 2023) para. 104: 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'
- 5.1320 NPPF (December 2023) para. 108: 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- c) opportunities to promote walking, cycling and public transport use are identified and pursued'
- 5.1321 NPPF (December 2023) para. 110: 'Planning policies should:
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);'

5.1322 NPPF (December 2023) para. 116: '... applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

5.1323 KCC Rights of Way Improvement Plan 2018-28

5.1324 **KCC Public Rights of Way** (23/12/24) - Public Footpaths MR102, MR481, MR485, MR486 and Public Bridleway MR484 would be directly affected by the development, with the wider network significantly impacted in the ways mentioned above and below.

5.1325 The substantial size of this development will have an adverse/high impact on the PROW network, both on and off site through increased use, loss of amenity and future generation of traffic.

5.1326 KCC PROW and Access request the following is provided by condition if permission is granted:

5.1327 PROW Management Scheme to cover both construction and operation, provided and agreed by KCC PROW and Access as the Highway Authority for Public Rights of Way, at any future Reserved Matters stage of the application. This should detail widths, surfaces, **road crossings** and path management during the development process, to ensure a timely and legal build out and reduce the negative impact on the PROW use. ***No work to commence on any part of the site that will affect a PROW until KCC has agreed the details with regard to how the PROW will be managed.***

5.1328 We would advise the applicant of the following in relation to the PROW affected by the development and in terms of the wider area connectivity and these comments should be read with reference to our previous response dated 11th April 2024. I have highlighted these additional comments in bold italics.

- 5.1329 1. ***In spite of the revisions, it is disappointing to see that a full multi-user route is not proposed***, initially beside what looks like the new access road at the East Malling end, which also incorporates some of the western end of MR102, then an upgrade of the eastern half of MR102/MR486 to link with bridleway MR484 to provide an east/west bridleway/cycle link. ***In fact, it appears that the revised proposal would result in a significant degradation in the provision of traffic free public access. It looks like the southern portion of MR486, running north from its junction with MR102 to its junction with MR481, is proposed to be incorporated into the road network (although this may just be a limitation in the way that the masterplans have been prepared and a lack of detail in them). At the very least, the alignment of the public footpath be on a footway separated from the road by a verge, if not retained as a completely separate route. The same applies to the east/west section of bridleway, which appears to be partly incorporated into the road network. It is recognised that the bridleway may need to cross roads but, apart from these points, the bridleway must remain completely segregated from the road network, with a physical separation between the path and road.***
- 5.1330 2. Routes within the site should either be maintained on their current alignments, segregated from the road network in order to keep them traffic free, or diverted to appropriate new routes, also traffic free and surfaced to all weather standards. Any diversion proposal must be agreed by ourselves and follow the due legal mechanism of either TCPA or Highways Act legislation. ***We will need to understand whether some (and which parts), or all, of the road network is intended to become publicly maintainable highway, as this will inform how the crossing points are managed and constructed, i.e. if a road is to be privately maintained, then a diversion to correctly align the PROW would be required and the crossing would have to be constructed in such a way that priority is given to the PROW. If the road is to become adopted public highway, then the revised crossing point would not require a diversion provided the realigned routes fell entirely within the area to be adopted and the construction type of the crossing points would need to meet Highways' standards.***
- 5.1331 3. As mitigation for increased use of the Network in the area, as well as the impact on the amenity of the use (Landscape/visual), the loss of recreational walks in the countryside, we would seek S.106 funding for offsite improvements to MR484 north and east of the development to complete the links detailed above and improve off road connectivity for the wider area. We refer the applicant to the KCC Rights of Way Improvement Plan which outlines our objectives for improvement opportunities across the PROW Network.
- 5.1332 4. We would seek S.106 funding for improvements to MR100 to link to the development to the north.

- 5.1333 5. We would seek S.106 funding for improvements to MR481 between the proposed development and Finch Close to improve pedestrian links.
- 5.1334 6. The above will provide recreational, health and well-being benefits as well as connectivity and encourage modal shift.
- 5.1335 7. In consideration of Kent Design standards and Police guidance, any forthcoming master plan should keep PROW within overlooked areas of Open Space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PROW network.
- 5.1336 8. We advise engagement with the British Horse Society due to the level of equestrian use of the area network.
- 5.1337 Comments are made in reference to the following planning policy.
- 5.1338 NPPF (December 2023) para. 96: 'to achieve healthy, inclusive and safe places', which specifically encourage social interaction, minimise crime and disorder and the fear of such, and enable and support healthy lifestyles.
- 5.1339 NPPF (December 2023) para. 97: to 'plan positively for the provision and use of shared spaces... support the delivery of local strategies to improve health, social and cultural well-being...guard against the unnecessary loss of valued facilities and services...and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'.
- 5.1340 NPPF (December 2023) para. 102: to be 'based on robust and up-to-date assessments of the need for open space, sport and recreation facilities ... and opportunities for new provision.'
- 5.1341 NPPF (December 2023) para. 104: 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'
- 5.1342 NPPF (December 2023) para. 108: 'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- c) opportunities to promote walking, cycling and public transport use are identified and pursued
- 5.1343 NPPF (December 2023) para. 110: 'Planning policies should:
- c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;

d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

5.1344 NPPF (December 2023) para. 116: '... applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

5.1345 ***With regard to the plan Proposed Site Access - ProW Access 1 (Ref 22-031-050)- 20(1), I note that the proposal is to replace the existing vehicle barrier/gap arrangement with a new bridle gate. As things stand, this would breach both the requirements of the Equality Act 2010 and Kent County Council's policies regarding least restrictive access and we would have to object to such a proposal. The current public access is via an unrestricted gap and this should remain so. The entrance may be restricted by the provision of fencing or bollards, provided that a gap of at least 1.5m width is provided. The design of these restrictions and the siting of the gap should be agreed with KCC PROWAS in advance of any work being carried out or it may become subject to our enforcement powers and removed.***

5.1346 **KCC Economic Development** (31/05/24) - The County Council has assessed the implications of this proposal in terms of the delivery of its community services and the latest information from the applicant. It remains the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

5.1347 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind.

- 5.1348 These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices). *[Officer Note: full details of required contributions set out in paragraph 6.155 under chapter "Planning Obligations" later in report]*
- 5.1349 **TMBC Environmental Health Protection (27/03/24) - Noise**
- 5.1350 Chapter 9 of the submitted Environmental Statement addresses noise and vibration.
- 5.1351 I do have some concerns with this document. At Para 9.17 reference is made to the withdrawn document Planning Policy Guidance 24 (PPG24). This document is no longer valid and should not be referenced.
- 5.1352 Table 9.2 does not appear to include any reference as to where the cited levels for LOAEL and SOAEL have been obtained from. I would recommend that the ABC method in BS 5228-1:2009+A1:2014 be used for this and would assess the site as a Category A site (based upon the levels detailed in Appendix 9.4 & 9.5). This will impact upon the conclusions derived further in the document.
- 5.1353 Para 9.3 uses a 15dB attenuation for partially open window, which is at the upper end of the accepted 10-15dB range. A more robust assessment will be achieved if a more conservative figure of 13dB is used.
- 5.1354 Para 9.88 proposes to use the Upper Limit of 55dB LAeq,t as the external amenity area target. I would recommend that the Desirable Limit of 50dB LAeq,t be used instead and only where this level cannot be achieved with suitable attenuation should any higher level be considered.
- 5.1355 No account appears to have been taken of the nearby quarrying activities at Hermitage Quarry. Blasting occurs on a regular basis at the quarry and the impacts from this will need to be considered by the applicant and appropriate mitigation proposed.

#### Air quality

- 5.1356 Due the large number of developments taking place around hermitage lane I would request that money is sort from S106 agreements to cover running and installation costs of putting up continuous sensors to monitor along Hermitage lane.

#### Contaminated land

- 5.1357 Based on the review of:

- Phase I Contaminated Land Assessment (EAME, February 2024)

5.1358 The report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. Various potential sources of contamination have been identified both on and offsite which could pose a risk to future site users, and as such an intrusive investigation is required to determine the extent and severity of any contamination present. I therefore recommend the following conditions:

5.1359 Standard Contamination 2 (no phasing) (Submission of Remediation Scheme & Implementation):

5.1360 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

5.1361 Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021 (paragraphs 183-185).

5.1362 Standard Contamination 3 (no phasing) (Verification):

5.1363 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the

remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

5.1364 Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021 (paragraphs 183-185).

5.1365 **TMBC Environmental Health Protection** (03/12/24) - Contaminated land

5.1366 No additional comments.

Environmental protection

5.1367 No additional comments.

5.1368 **TMBC Waste Services** (28/03/24) - No objections but refer to refuse storage standards.

5.1369 **TMBC Waste Services** (28/11/24) - Although this is a huge and in depth project, there is nothing to comment on from Waste Services at this time. We will of course take the opportunity once full planning has been submitted.

5.1370 **Kent Police** (28/03/24) - We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

5.1371 Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

5.1372 There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

5.1373 We recommend the applicant follows SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and

Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme;

Dwellings

- 5.1374 1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site, any parking areas/ courts and pedestrian routes. These areas must be well lit and covered by natural surveillance from neighbouring properties.
- 5.1375 2. Perimeter, boundary and divisional treatments must be a minimum of 1.8m in height. Any alleyways to have secure side gates, which are lockable from both sides, located flush to the front building line.
- 5.1376 3. To meet SBD guidance we would strongly recommend the installation of pavements on both sides of the roads to avoid vehicle and pedestrian conflict and promote safer spaces for families. It is now common practice to have some shared vehicle/ pedestrian areas on secondary routes. If pavements cannot be installed in these shared spaces, we strongly recommend traffic calming measures, especially where there is a curvature in the road.
- 5.1377 4. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse. Undercroft areas can attract crime and therefore, should be finished in a light colour and be well lit. If car ports are unavoidable, we recommend they be lit and painted in a light colour to optimize surveillance opportunities. For car parks, we recommend the Safer Parking Scheme, which follows CPTED guidance from both the police and the British Parking Association.
- 5.1378 5. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
- 5.1379 6. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and

light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided. "Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

- 5.1380 7. Play areas must have a self-closing gate to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. We recommend the sales team advise potential buyers of the plots close to the play area of its location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.
- 5.1381 8. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors and individual flat entrance doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS.
- 5.1382 9. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
- 5.1383 10. We advise on the use of ground/ wall SBD or sold secure anchors within a cycle storage area/ sheds of dwellings to deter bicycle theft.
- 5.1384 11. Mail delivery to meet SBD TS008 with a fire guard are strongly recommended for dwellings. For buildings with multiple occupants we recommend TS009 standards. Please note we advise against trade buttons, if mail is to be delivered inside a lobby there must be an airlock/ access-controlled door to prevent access further into the building for anyone other than residents.
- 5.1385 12. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
- 5.1386 13. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

- 5.1387 14. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.
- 5.1388 15. CCTV is advised for all communal entry points and to cover the mail delivery area.
- 5.1389 16. Defensible spaces. Corner properties require well established boundaries to avoid desire lines across front gardens. This can be provided by using hedges or knee rails/ fences, for example.
- 5.1390 17. Blank Walls. It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces. This type of elevation tends to attract graffiti, inappropriate loitering, and ball games. The provision of a 1m buffer zone using either a 1.2 – 1.4m railing or a 1m mature height hedge with high thorn content should address those issues.
- 5.1391 18. Vehicle mitigation may be required on pedestrian routes, to prevent mopeds or similar vehicles accessing the area and causing nuisance.
- 5.1392 19. Open space. Open space areas must be well lit and boundaries must be clearly defined to avoid conflict or ball games causing nuisance. For any LAP or LEAP, we recommend fencing at a minimum height of 1.2m and vandal resistant play equipment. Consideration should be given to a single dedicated entry and exit point to enable adult control/supervision.

Village Centre/commercial floorspace

- 5.1393 20. We recommend boundary treatments be a minimum of 2m and the installation of lockable gates to the sides of the village centre and commercial floor space to provide controlled access to the rear. These gates must be flush to the building line to optimize surveillance.
- 5.1394 21. We recommend natural surveillance for parking areas. As a secondary layer of security, we would also recommend CCTV be installed to further monitor use. We also strongly recommend gating access roads/ parking areas to prevent nuisance parking and misuse out of hours.
- 5.1395 22. Defined pedestrian routes to/ from the building are recommended to improve safety and avoid pedestrian and vehicle conflict.
- 5.1396 23. Cycle storage must be well lit and with natural surveillance. We recommend the sold secure or SBD recommended products for additional security.
- 5.1397 24. Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g., a Member of the ILP), particularly where a lighting condition is imposed, to help

avoid conflict and light pollution. we recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020.

- 5.1398 25. CCTV to be installed, especially in areas with limited natural surveillance such as rear of the village centre and the commercial floorspace, utility areas/ bin stores and on the access/ exit road. We also recommend cameras in the following areas to keep users safe and monitor their movements; any stairs, emergency access doors, lifts, loading/ unloading areas, car park and reception, main office/ safe. The CCTV must not infringe any lighting plan.
- 5.1399 26. We strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.
- 5.1400 27. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation, and locks) including folding or sliding to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
- 5.1401 28. Windows on the ground floor to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Any curtain walling and fixings should be tested and meet BS EN 1627:2011 and/or be certified to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1.
- 5.1402 29. Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013.
- 5.1403 30. Bin Stores must be secure, lit and, if in an area with limited natural surveillance we recommend CCTV cameras be installed. We also strongly advise against placing this store close enough to the building that it can be used as a climbing aid into the building when closed. Please note where there is a mixed-use building, residential and commercial bins must be segregated.
- 5.1404 31. If any buildings are to have roof access for maintenance of solar panels and lift shafts etc., we recommend that ladders/ access doors to these areas are securely locked so that members of the public are unable to access this area. We also require CCTV to cover this area in order to monitor unauthorized access Primary School.
- 5.1405 32. We recommend the use of the Secured By Design (SBD) principles for this proposal to show commitment to crime prevention and community safety.

- 5.1406 33. For doorsets and windows, please refer to SBD New Schools 2014 guide for recognised security standards products of a Police preferred specification.
- 5.1407 34. Vehicle mitigation barriers are recommended for wide pedestrian areas and near the main entrance to avoid conflict and to safeguard pedestrians.
- 5.1408 35. SBD prefers one entrance area at the perimeter of the site serving both vehicles and pedestrians or separate entrances that are located in close proximity to one another to aide mutual supervision. The entrance should be gated and when the school is closed and unoccupied, the gates must be locked. Access control of these gates is essential, and a full audio-visual access control system should be installed. CCTV coverage to monitor access and egress.
- 5.1409 36. Formal recreation spaces such as multi-use games areas and external all-weather sport facilities may encourage trespass outside of normal school hours. Perimeter security is paramount as previously discussed.
- 5.1410 37. Secure storage for play and sports equipment, including seasonal storage for goalposts etc, should, where possible, be provided within the main building, with ready secured access from outside.
- 5.1411 38. Regarding renting out facilities or community use, the layout of the building must allow visitors access to be restricted to those areas only preventing any further access. Door access control may be required.
- 5.1412 39. From a security and child safety aspect, we recommend that all fire exits are alarmed to alert staff should these be opened.
- 5.1413 40. A security alarm system should be installed and utilized when the building is not in use.
- 5.1414 41. Landscaping. Trees should be pruned so that they do not provide climbing aids, which may compromise the secure boundary.
- 5.1415 42. Waste bins should be kept in a secure enclosure, ideally away from the building as bins can be used as a means to commit crime, be a climbing aid or even an arson hazard.
- 5.1416 43. Lighting. Appropriate lighting will be required. Please refer to the SBD guide.
- 5.1417 44. We recommend CCTV coverage of the main entrances/exits and remote areas that tend to be unsupervised due to the lack of natural surveillance and can potentially attract antisocial gathering.
- 5.1418 45. Secure cycle racks are required as previously discussed, and ideally covered by CCTV to prevent cycle theft. We strongly advise SBD and Sold Secure standard certified cycle storage that has passed testing as they offer additional

security. In addition, we advise the inclusion of SBD and Sold Secure standard certified wall or ground anchors.

- 5.1419 If approved, site security is required for the construction phase. There is a duty for the principal contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.
- 5.1420 Our comments are designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. This information is provided by Kent Police Design Out Crime Team and refers to situational crime prevention. This advice focuses on CPTED and Community Safety regarding this specific planning application.
- 5.1421 **Kent Police** (28/11/24) - Kent Police have provided the same response as the one above from 28/03/24.
- 5.1422 **Sport England** (22/01/25) - Sport England – Non Statutory Role and Policy
- 5.1423 The site is not considered to form part of, or constitute a playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), therefore, Sport England has considered this a non-statutory consultation.
- 5.1424 The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.  
<https://www.gov.uk/guidance/openspace-sports-and-recreation-facilities-public-rights-of-way-and-local-greenspace#open-space-sports-and-recreation-facilities>
- 5.1425 This application falls within the scope of the above guidance as it relates to major housing development above 300 dwellings and because it involves the creation of new playing field.
- 5.1426 Sport England assesses this type of application considering the National Planning Policy Framework (NPPF) and against its own 12 planning-for-sport principles. The three overarching principles are to: recognise and give significant weight to the benefits of sport and physical activity; undertake, maintain and apply robust and up-to-date assessments of need and strategies for sport and physical activity provision, and base policies, decisions and guidance upon them; and plan, design and maintain buildings, developments, facilities, land and environments that enable people to lead active lifestyles. These three overarching principles form the framework for a further nine principles under the broad categories of Protect, Enhance, and Provide. Further information on the principles and Sport England's

wider planning guidance can be found on its website:  
<http://www.sportengland.org/planningforsport>

- 5.1427 The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up-to-date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

#### The Proposal and Assessment against Sport England's Objectives and the NPPF

- 5.1428 The proposal is to create up to 1,300 dwellings and associated infrastructure.
- 5.1429 The population of the proposed development is estimated to be 3,211 (page 650 of the Environmental Statement). This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.
- 5.1430 You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that an additional population of 3,211 in Tonbridge and Malling will generate a demand for the following: 0.09 artificial grass pitches at a cost of £104,068; 0.05 indoor bowls centre rinks at a cost of £25,898; 0.42 outdoor tennis courts at a cost of £50,901; 0.83 sports hall courts at a cost of £661,592; and 0.65 swimming pool lanes at a cost of £799,019.
- 5.1431 The Applicant's planning statement refers to possible contributions through a s.106 legal obligation towards education, healthcare, social infrastructure, and public services. Sport England would support those, however, no references appear to be made in respect of indoor sport and recreation facilities. Sport England considers that, in the absence of the Local Authority being satisfied that this demand can be accommodated within existing facilities, a financial contribution towards off site provision should be secured based on the figures generated by the Sports Facility Calculator. In the absence of contributions being secured, Sport England is currently unable to support the application.

#### Playing Field Demand

- 5.1432 The proposal includes a site with land for playing fields to be set aside for transfer to an education provider for the provision of a primary school. This would be secured through a s.106 legal agreement if outline planning permission is granted. It is not clear at this stage the exact dimensions these pitches will be.
- 5.1433 The FF (Football Foundation), who represent the FA and the Kent FA, advise that the Tonbridge and Malling Playing Pitch Strategy indicates that there is a deficit in 9v9, 7v7, and 5v5 pitches in the Malling and surrounds sub area during peak times and this will be exacerbated with this housing development and the continued rise in participation in youth football nationally, so, the pitches proposed for the school site could help to alleviate this pressure. The FF and Kent FA would like to see a community usage agreement for the pitches to ensure they will be able to be accessed by the local community and priced reasonably. Furthermore, the FF advise that the pitches will need to be suitable for football and offer advice on how this can be achieved.
- 5.1434 It is recognised that provision of new playing fields will be determined at the Reserved Matters (RM) stage, if and when, the school is delivered. However, at this juncture Sport England would recommend that as part of that RM stage reference is made to the Council's Playing Pitch Strategy (PPS) in arriving at the final mix of pitch provision. The emerging PPS identifies that for football there is an undersupply of pitches.

#### Playing Field Design

- 5.1435 Given this is an outline application there is no detail provided at this stage regarding the design of the proposed new playing field. Notwithstanding this, it is advised that the applicant should consider (at the RM stage) whether there are sufficient run-offs surrounding the pitches, and whether the space around the pitches is sufficient to allow the pitches to be marked out in different locales to avoid wear and tear and allow for the long term management of the pitches.
- 5.1436 Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. It is recommended that these details are provided as part of the Reserved Matters application for the school so that the design of the playing field can take into account the constraints of the site and ensure that the resulting playing field is fit for purpose. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport', and in the guidance of the relevant NGB's for the sports to be played at the site. A scheme of playing field maintenance will also be required.
- 5.1437 A copy of this guidance can be found at:

<http://www.sportengland.org/facilities-planning/tools-guidance/design-andcost-guidance/natural-turf-for-sport/>

- 5.1438 To address this, the planning conditions towards the end of this response are required, including the securing of the use of the school's playing field and associated sports facilities including changing rooms, and car parking through a community use agreement; to maximise the benefits to sport and to ensure that the terms of community use are secured in accordance with best practice.

Active Design

- 5.1439 Sport England, in conjunction with Active Travel England and the Office for Health Improvement and Disparities, has produced 'Active Design' (May 2023), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments. The document can be downloaded via the following link: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/designand-cost-guidance/active-design>

Conclusion

- 5.1440 Given the above, Sport England raises an objection to the application because it fails to provide for a financial contribution towards the off-site provision of indoor sport and recreation facilities. Notwithstanding this and without prejudice to our objection, in the event that the Local Planning Authority wish to approve the application, we would recommend the following conditions be secured:

Condition 1

- 5.1441 a. No development shall commence [or other specified time period] until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
  - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

- 5.1442 b. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
- 5.1443 Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy \*\*.
- 5.1444 Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011)

Condition 2

- 5.1445 The playing field/s and pitch/es shall be constructed and laid out in accordance with the [planning application \*, Section \* and Drawing No. \*\*] and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before [first use] [or occupation] [or other specified timeframe] of the development [or specified part of the development/] hereby permitted.
- 5.1446 Reason: To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Development Plan Policy \*\*.

Condition 3

- 5.1447 No development shall commence [or other specified time period] until a schedule of playing field maintenance including a programme for implementation for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period] has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.
- 5.1448 Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Development Plan Policy \*\*.
- 5.1449 Informative: It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the

National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

Condition 4

- 5.1450 Use of the development shall not commence [or no development shall commence or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."
- 5.1451 Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy \*\*.
- 5.1452 Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.
- 5.1453 **Forestry Commission** (17/04/24) - As a Non-Ministerial Government Department, we do not provide an opinion supporting or objecting to planning applications. Instead, we provide advice on the potential impact that proposed developments could have on trees and woodland using our local knowledge and expertise, planning policy and legislation that could be relevant and measures that could help to avoid or limit impacts and result in overall gains wherever possible.

Impacts

- 5.1454 We appreciate that this is an outline planning application with all matters reserved except for access, so have based our comments on the principle of development of the scale and layout indicated in the submitted documents. Our advice is based on an initial desk-based assessment and in consultation with the local woodland officer who is familiar with the area.
- 5.1455 In our view, the proposed development is likely to result in significant deterioration of ancient woodland as a result of the following impacts:
- Recreational pressure
  - Habitat fragmentation
  - Artificial lighting impacting species using the woodland

- Potential for hydrological changes to the ancient woodland
- Other potential impacts that should be robustly assessed in line with the Standing Advice for Ancient Woodland, Ancient Trees and Veteran trees, including the Standing Advice Assessment Guide (see policy section below)

5.1456 This particularly applies to Dog Kennel Woods (ancient semi natural woodland) but there are also concerns relating to the severance and impacts on other ancient and non-ancient woodland to the east and south of the site, which require careful consideration.

5.1457 We advise that significant changes to the proposed design and layout, in addition to suitable mitigation measures are likely to be needed before deterioration of ancient woodland can be ruled out.

### Buffer

5.1458 We welcome the principle of providing a buffer between the Ancient Woodland and development. We would like to highlight that the 15m buffer quoted in the standing advice is a minimum starting point that applies to any development near to ancient woodland. For example, this would also apply to a development to one dwelling. Therefore, I would question the suitability of applying the same minimum buffer for a site for these dwellings and would strongly encourage a significantly larger and high quality buffer should be adopted in this case, especially as the development would be putting pressure on the woodland and the species it can support from multiple sides (e.g. from recreational pressure, light/noise, littering, loss of surrounding green space for foraging etc.)

5.1459 For large-scale developments like this, I would encourage a buffer that includes a graded edge from new woodland, to minor species/scattered tree planting, scrub to species-rich rough grassland.

### Connectivity

5.1460 I am concerned about the severance and pressure on the woodland that is likely to be caused by the development. As it currently stands, the proposal is likely to result in the woodland becoming isolated 'islands' in amongst a predominantly built environment. This could be avoided by expanding the buffer (as suggested above), focussing a greater extent of habitat creation/woodland expansion around the woodland edge and adding linear and 'stepping stone' habitats around the site boundary in the form of hedgerows, lines of trees, woodland, ponds, nature-based SuDS and other habitats, to allow species such as bats, birds, mammals etc to move between existing habitats.

### Policy

5.1461 Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 186(c) in the NPPF sets out that development resulting in the loss or

deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases. Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.

- 5.1462 Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution.[1] Paragraph 136 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.
- 5.1463 For all planning applications, we advise the Council to carefully consider the previous usage of sites, including historical satellite imagery, to consider if development is being proposed on recently felled woodland. Please contact us if you suspect this is the case.
- 5.1464 Biodiversity Net Gain (BNG): Paragraph 180(d) of the NPPF sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 186(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. BNG offers opportunities for protecting (retaining) trees and woodlands, as well as new planting and enhancement of existing trees and woodlands, and the planning authority also should consider the wider range of benefits trees, hedgerows and woodlands can provide as part of delivering good practice biodiversity net gain requirements. Ancient woodlands (including PAWS) and ancient & veteran trees are already recognised as irreplaceable habitats and as such are exempt from the net gain requirement.
- 5.1465 Mitigation of impacts
- 5.1466 If the principle of development on this site is to be considered further, we advise that the following measures would be required to help avoid deterioration of the ancient woodland and to prevent wider environmental impacts:

- Substantially larger buffer area between development and ancient woodland than the 15m minimum.
- Propose more significant levels of high quality ecologically designed green space that complements the existing habitats, prioritising ancient woodland. This could include green infrastructure that also provides multi-functional benefits such as recreation and sustainable drainage.
- Direct biodiversity gains provision around the woodland. This could include woodland planting around the existing woodland areas to expand canopy cover, followed by a graded edge from scattered tree planting, scrub and species-rich grassland to amenity grassland.
- Bolster existing and create new linear habitats that safeguard and improve connectivity between woodlands. This could be achieved by making hedgerows wider and incorporating additional habitat to widen linear habitats and space between development.
- Restricted/sensitive access to the ancient woodland and additional greenspace to provide more dedicated recreational space to direct away from the ancient woodland.
- Active management of the woodland on site with a commitment to enhance its ecological condition.

5.1467 We would also like to point out that biodiversity net gain is likely to be very difficult to achieve given the scale of development on greenfield land with minimal levels of habitat creation/enhancement being proposed.

5.1468 **Forestry Commission** (28/11/24) - As a Non-Ministerial Government Department, we do not provide an opinion supporting or objecting to planning applications. Instead, we provide advice on the potential impact that proposed developments could have on trees and woodland using our local knowledge and expertise, planning policy and legislation that could be relevant and measures that could help to avoid or limit impacts and result in overall gains wherever possible.

5.1469 The planning authority should consider the following policy and guidance as part of their decision-making process for this application (updated February 2024):

5.1470 1. Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 186(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider direct and indirect impacts resulting from both construction and operational phases. Impacts can be caused by activities outside of areas designated as ancient woodland (e.g. within buffer zones), or within open areas of ancient woodland, which can result in loss or deterioration of ancient woodland.

- 5.1471 Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions, and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.
- 5.1472 The Town and Country Planning (Consultation) (England) Direction 2024 (published January 2024) requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development, including development that affects ancient woodland: The Town and Country Planning (Consultation) (England) Direction 2024 - GOV.UK ([www.gov.uk](http://www.gov.uk)).
- 5.1473 2. Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience and reducing noise and air pollution. Paragraph 136 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management or mitigation.
- 5.1474 For all planning applications, we advise the Council to carefully consider the previous usage of sites, including historical satellite imagery, to consider if development is being proposed on recently felled woodland. Please contact us if you suspect this is the case.
- 5.1475 3. Biodiversity Net Gain (BNG): As of the 12th of February 2024, major development (unless exempt) will have to deliver 10% net gain in biodiversity. Paragraph 180(d) of the NPPF also sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. BNG offers opportunities for protecting (retaining) trees and woodlands, as well as new planting and enhancement of existing trees and woodlands, and the planning authority also should consider the wider range of benefits trees, hedgerows and woodlands can provide as part of delivering good practice biodiversity net gain requirements in addition to contributing to the BNG figure. Ancient woodlands (including PAWS) and ancient & veteran trees are already recognised as irreplaceable habitats and as such are exempt from the net gain requirement.
- 5.1476 We would also like to remind applicants that tree felling may require a felling licence from the Forestry Commission.

5.1477 **Forestry Commission** (09/01/25) - We welcome the added commitment to manage and enhance the woodland on site. However, in our view, managing the woodland does not mitigate all impacts to the woodland that would occur as a result of the development due to its scale, proximity and layout which completely surround the woodland, severing it from other habitats and the wider landscape and the multiple impacts that are likely to impact the woodland's condition that we have previously highlighted. We reiterate our comments outlined on the 17<sup>th</sup> of April 2024 and advise that these still apply in that the significant deterioration of ancient woodland is expected as a result of this project as it currently stands. Please refer to our previous comments outlined in the below including the ways that impacts might be avoided.

5.1478 **British Horse Society** (08/05/24) - We wish to place a conditional objection on both of these planning applications. We have recently met the applicants and their agents and have discussed our proposals with them (outlined below). Subject to these matters being included and formalised within any planning permission granted, we would be willing to remove our objection.

Background for our comments

5.1479 9190 passported horses are owned by people living in the postcodes contained within Tonbridge & Malling Borough Council area, contributing in excess of £63 million to the economy, much of which is spent locally (feed, bedding, farriers, vets, riding instructors and riding schools, etc.).

5.1480 British Horse Society statistics for road incidents involving horses and riders for 2023 show that:

- A total of 3,383 road incidents involving horses were recorded with the BHS
- Of those, 66 horses died and 86 were injured
- Three people died, and 94 people were injured
- 23% of riders were victims of road rage or abuse
- 85% of incidents occurred because a vehicle passed by too closely or quickly.

5.1481 It is imperative that where new development takes place, the safety of ALL non-motorised users (NMUs) (not just walkers and cyclists) are taken into account. Connectivity and opportunities for off road respite from traffic are very important to equestrians as well as other NMUs.

National Planning Policy Framework

5.1482 "104. Planning policies and decisions should protect and enhance public rights of way and access, *including taking opportunities to provide better facilities for users*, for example by adding links to existing rights of way networks including National Trails." (my emphasis)

5.1483 Providing for equestrians within this application meets with NPPF requirements.

Kent ROWIP

5.1484 “The ROWIP will aim to encourage active lifestyles through:[...]

- working in partnership with planning authorities and developers to create well-designed, accessible environments that encourage active travel and walking, cycling and *horse riding* as leisure and recreational pursuits.”

AL01 Increase health & wellbeing benefits

5.1485 “1.3 *Improve connectivity and consider equestrian and other parking where reasonable to encourage recreational and leisure activity*; including access to country parks, honey pot sites and other facilities of high leisure use, such as National Trails, promoted routes and routes within and leading to AONBs.”

5.1486 “1.5 Work with partners to support implementation of health improvement initiatives, such as Walking for Health, cycling *and equestrian initiatives* and GP referrals.”

AL02 Active Travel

5.1487 “1.9 Provide motorised traffic free, safe walking, cycling and *equestrian* routes linking to towns, urban and rural areas. Seek to provide longer distance links between urban centres.”

KT06 Grow New Markets

5.1488 “3.17 *Improving priority routes which facilitate horse riding*, cycling and walking for more targeted tourist leisure and recreational use”

5.1489 Including equestrians within proposals for other NMUs goes a long way to meeting the aspirations of the Kent ROWIP and we would encourage KCC, the Borough Council and the applicant to work together to ensure this is done.

5.1490 (Areas highlighted are my emphasis)

5.1491 During the afore-mentioned meeting, the following matters were discussed:

5.1492 1. The access road connecting the development to East Malling should legally and demonstrably include equestrians (appropriate signage, etc.) The proposed provision for walkers and cyclists is sufficient to include horse riders.

5.1493 2. Where provision is made for cyclists through the site, this should also include equestrians. Where possible, and certainly where this is proposed over existing footpaths, these paths should be upgraded to bridleways rather than multi-use paths which, unfortunately, have no legal definition.

5.1494 3. Careful consideration of ALL NMUs needs to be made at the junction with Kiln Barn Road. The current plans would place horse riders between the motorised

traffic on one side and cyclists on the other. During our discussions it was felt that it should be possible to accommodate equestrians within much of the off road provision. To exclude the impact of this junction on equestrians from the risk analysis would be a serious omission.

- 5.1495 4. South of the junction with Kiln Barn Road, there is currently a missed opportunity to make safe connectivity of the development with byway MR496 for NMUs. Whilst space is limited along the 0.5km stretch of Kiln Barn Road, with some traffic management this would make a useful commuting route for vulnerable road users to the hospital and to Maidstone schools and beyond as well as provide connectivity to an area of informal open space which has been very popular for decades with local horse riders, cyclists and walkers.
- 5.1496 We believe that these measures would go some way towards mitigating the impact of the additional vehicular traffic on the safety of equestrians on local roads and to ensuring that new residents were immediately aware of the existence of equestrians in their neighbourhood.
- 5.1497 **Teston Parish Council** (03/05/24) – Background
- 5.1498 1. We assume that many Members and Officers of Tonbridge & Malling Borough Council would wish to see this application approved, as it would represent a very significant element of its need for “housing numbers” in its second endeavour to establish a new Local Plan.
- 5.1499 2. It is therefore essential that, if approved, it becomes clear that high standards have been applied to its scrutiny.
- 5.1500 3. While other factors also merit such high standards and may fail them, it is our view that the applicant’s consultant’s review of traffic implications is flawed and adverse consequences of additional traffic generation are such that this application would fail any reasonable, let alone high, standard of judgement.
- 5.1501 4. The East Malling Trust (the applicant) has existed for over a century, with the objectives:
- *The advancement of science for public benefit, primarily through the support of research and development, particularly in the fields of horticultural and other plant based disciplines*
  - *Optimisation of net income obtained from letting the Trust’s property asset*
  - *Fulfilling the duty of care to Bradbourne House, a Grade 1 listed building and maintaining the heritage of the estate.*
- 5.1502 5. This application may be the Trust’s first step towards completely exiting its historic home and taking the funds derived from housing development to collaborate with other parties elsewhere in the UK.

- 5.1503 6. It is concerning that a Trust, centred on horticulture and maintaining the heritage of the estate, is now endeavouring to sell its land for housing development to the detriment of both. Money is talking.
- 5.1504 7. While that is not a planning matter, it provides context for the ethical and community aspects of the application.

#### Teston's Interest

- 5.1505 8. Teston is in Maidstone Borough, but is adjacent to East Malling and Wateringbury that are within Tonbridge & Malling Borough.
- 5.1506 9. Teston has well-documented issues with traffic flows, particularly during rush-hours.
- 5.1507 10. Much of the traffic flow along Hermitage Lane also flows along the A26 through Teston and the traffic lights at Wateringbury.
- 5.1508 11. Similarly for traffic flow through East Malling.
- 5.1509 12. Teston's concern is therefore based on traffic that would be generated by this proposed development.

#### Travel scenarios

- 5.1510 13. Three are defined, with our highlighting:
- 5.1511 *Aspirational - fully embraces the vision for the develop and aspires to achieve the greatest levels of sustainability possible for the site. The trip rate assumptions associated with this forecast outcome will take account of a comprehensive strategy of sustainable travel improvements and incentivisation alongside an element of constraint on the surrounding highway network, further encouraging travel by sustainable modes where possible.*
- 5.1512 *Moderate – following the same ethos as the aspirational scenario in terms of seeking to achieve a highly sustainable site but represents a scenario whereby the aspirational levels of trip generation are not realised and more conventional peak hour vehicular trip rates to/from the development are realised instead.*
- 5.1513 *Pessimistic – represents the opposite end of the spectrum to the aspirational scenario and instead presents a plausible outcome where a highway capacity led approach to enabling and mitigating the development is adopted. This is reflected in the higher development trip rates used within this scenario.*
- 5.1514 14. The applicant's consultant welcomes the Aspirational Scenario delivering a "stick" to force behavioural change upon residents through adding to the already challenging highways experience near the proposed site.

#### Traffic Generation

- 5.1515 15. The applicant, The East Malling Trust, engaged Charles & Associates to provide a Transport Assessment; they are based at the East Malling Trust Estate, which may indicate the degree of objectivity brought to the analysis.
- 5.1516 16. Transport Assessment Vol 1 – Executive Summary contains, at paragraphs 2.1.1 to 2.1.4 (inclusive), with our highlighting:
- 5.1517 *This application for development at Bradbourne, East Malling comes forward during a paradigm shift in the way that new development in the UK is being planned for. Historically, development and infrastructure planning has endeavoured to predict the anticipated traffic outcomes of development, using historical trends and patterns, and thereafter provide interventions to support those predictions. This approach has failed, which is clearly evident through car dominated developments, ever increasing traffic congestion on our roads and worsening air quality.*
- 5.1518 *However, more recent research indicates that our society is experiencing significant changes in terms of travel behaviours, and technological advances are providing more opportunities and choice in how we work, shop etc. These changes have been accelerated by the effects of the COVID-19 pandemic, with increased levels of working from home, online shopping and access to services remotely. Therefore, maintaining the Predict and Provide (P&P) approach risks an over-provision of highway capacity which, in turn, encourages travel by car.*
- 5.1519 *New methods of planning for and assessing residential development which seek to learn from past mistakes and deliver much needed housing in a fully sustainable manner have been developed and are becoming more widespread across the UK. These methods will be adopted with respect to this development to lay the building blocks towards a highly accessible development and a transport network that prioritises sustainable modes of travel.*
- 5.1520 *A 'Vision-led' approach represents a new paradigm for more sustainable development. It is an approach to planning that no longer accepts or tolerates as inevitable the material impact of unsustainable development which simply provides mitigation for that impact. Rather, it drives the development towards a genuinely sustainable future that minimises or even eliminates the need for highway network interventions, which invariably provide for and encourage car-based travel in a manner at odds with long-term sustainability policy objectives.*
- 5.1521 *These objectives will never be achieved by continuing to build development which is dependent on the delivery of supporting highway infrastructure that simply perpetuates historical trends. Put simply, new development must ensure that people need to travel less and when they do need travel, it should be over the shortest distances possible and by the most sustainable and healthy modes of travel.*

- 5.1522 *Traffic congestion is often cited as a reason for development not to take place, particularly in areas where numerous amenities are provided and strategic movement corridors are present, as is the case with this proposal. However, it is apparent that sites which have the greatest inherent sustainability, in terms of proximity to surrounding amenities, will almost inevitably suffer from traffic congestion as these amenities will also serve the wider community where opportunities to travel by means other than the car are less. As such, if development is located away from these areas, people will still need to access the services in the locality, however, the opportunities for travel to/from these by sustainable modes will be lost.*
- 5.1523 *In the past, the identification and delivery of highway mitigation was considered as a prerequisite for development to take place. This TA embraces a different concept that a level of traffic congestion during highway peaks, when combined with sustainable travel improvements, will assist in encouraging use of alternative modes of travel. Clearly, the level of congestion will need to be considered and managed to maintain road safety, however, it is intended that an element of highway constraint will act as the ‘stick’ to the ‘carrot’ of comprehensive sustainable travel improvements.*
- 5.1524 17. That conveniently fits with the recent declaration by Kent County Council that makes clear that its shortage of funds has led to a change in its approach to highways interventions i.e. try to restrict, if not avoid.
- 5.1525 18. In essence, this application has grasped this “paradigm shift” to justify an apparently complex analysis of traffic implications that in reality is based on unsound foundations:
- underestimated new traffic generation;
  - optimistic views on modal shift, more-or-less dismissing residents’ propensity to use a car rather than walk, cycle or bus for any journey over a few hundred metres;
  - postulating trends in Trip Rate Trends that are highly “creative” (see pages 24-26 of Transport Assessment Vol 5 – Multi-Modal Assessment); and
  - delaying mitigation until after the adverse effect of newly generated traffic has been confirmed by measurement at annual intervals, with “trigger points” then likely to be followed by disagreement, debate and lack of funding and lack of commitment to install mitigation.
- 5.1526 19. The consultants implicitly admit that there will be an adverse traffic impact, but welcome it as a “stick” to force residents into what they assert would be more-sustainable behaviour, whether or not residents would welcome that stick.
- 5.1527 20. The TRICS Consortium provides statistics and briefing to its membership. TRICS made a success of its database by making historical traffic statistics available to its members when preparing reports to support proposed developments. The Consortium has now grasped this apparent paradigm shift to

provide material that is advantageous to would-be developers and to perpetuate its financial success.

- 5.1528 21. In essence, “Predict & Provide” predicts the anticipated traffic outcomes of development, using historical trends and patterns, with interventions then provided to mitigate adverse predictions.
- 5.1529 22. This is now being displaced by “Decide & Provide”. It no longer accepts or tolerates as inevitable mitigations against the adverse material impact of unsustainable development. It now chooses to endeavour to engineer behaviour, driving the development towards a “genuinely sustainable future”, thereby minimising or even eliminating the need for highway network interventions, as they “invariably provide for and encourage car-based travel in a manner at odds with long-term sustainability policy objectives”.
- 5.1530 23. All very laudable, but failing to recognise the behaviour and wishes of residents.
- 5.1531 24. The contrast is summarised by TRICS as:

<b>Predict and Provide (P&amp;P)</b>	<b>Decide and Provide (D&amp;P)</b>
Forecast a most likely mobility future	Decide on a preferred accessibility future
Demand-led supply	Supply-led demand
Conceals uncertainty	Accommodates Uncertainty
Reactive	Proactive

- 5.1532 25. That summary is somewhat misleading. It is D&P that is reactive, as it envisages intervention after need has been measured and demonstrated through actual experience, whereas P&P endeavours to avoid additional poor experience for residents by recognising obvious adverse impacts and possible mitigations. That is reinforced by D&P using supply restriction to reduce demand, rather than demand giving rise to planned supply. Finally, D&P only accommodates uncertainty by not planning for it and failing to accommodate easily foreseeable impacts of development and necessary mitigations.
- 5.1533 26. D&P is attractive to the developer, because it defers, perhaps forever, possible mitigations, leaving residents to suffer adverse impacts and then having to adjust travel patterns, shifting those impacts to other parts of the transport network, which, realistically, is predominantly not bus, rail or cycle, but vehicular traffic.

Trip Rates

- 5.1534 27. Transport Assessment Vol 5 – Multi-Modal Assessment Appendix C contains the TRICS Reports that were selected to provide the foundation for a complex construct to arrive at Trip Rates.

5.1535 28. The consultant’s choice of “comparable” sites includes (with duplications below, as the table contents are extracted from the various elements of the consultant’s analysis), with our highlights:

<p><b>03 SOUTH WEST</b> CW CORNWALL 2 days <b>04 EAST ANGLIA</b> SF SUFFOLK 1 days <b>05 EAST MIDLANDS</b> LE LEICESTERSHIRE 1 days NT NOTTINGHAMSHIRE 1 days <b>06 WEST MIDLANDS</b> WM WEST MIDLANDS 2 days WO WORCESTERSHIRE 3 days <b>07 YORKSHIRE &amp; NORTH LINCOLNSHIRE</b> NY NORTH YORKSHIRE 1 days <b>08 NORTH WEST</b> BB BLACKBURN WITH DARWEN 1 days LC LANCASHIRE 1 days <b>09 NORTH</b> TV TEES VALLEY 1 days <b>10 WALES</b> CF CARDIFF 1 days CP CAERPHILLY 1 days WR WREXHAM 1 days <b>11 SCOTLAND</b> FI FIFE 1 days <b>12 CONNAUGHT</b> GA GALWAY <b>01 GREATER LONDON</b> KI KINGSTON 2 days <b>04 EAST ANGLIA</b> PB PETERBOROUGH 1 days SF SUFFOLK 1 days</p>	<p><b>06 WEST MIDLANDS</b> OT STOKE ON TRENT 1 days SH SHROPSHIRE 1 days <b>08 NORTH WEST</b> EC CHESHIRE EAST 1 days <b>09 NORTH</b> CB CUMBRIA 1 days <b>11 SCOTLAND</b> AG ANGUS 1 days HI HIGHLAND 1 days PK PERTH &amp; KINROSS 1 days <b>14 LEINSTER</b> KD KILDARE 1 days KK KILKENNY 1 days <b>17 ULSTER (NORTHERN IRELAND)</b> AN ANTRIM <b>02 SOUTH EAST</b> ES EAST SUSSEX 1 days HC HAMPSHIRE 1 days KC KENT 1 days <b>03 SOUTH WEST</b> DV DEVON 2 days TB TORBAY 1 days <b>04 EAST ANGLIA</b> NF NORFOLK 1 days <b>06 WEST MIDLANDS</b> SH SHROPSHIRE 1 days <b>07 YORKSHIRE &amp; NORTH LINCOLNSHIRE</b> NY NORTH YORKSHIRE 1 days SY SOUTH YORKSHIRE 1 days</p>	<p><b>08 NORTH WEST</b> MS MERSEYSIDE 1 days <b>10 WALES</b> PS POWYS 1 days VG VALE OF GLAMORGAN 1 days <b>11 SCOTLAND</b> FA FALKIRK 2 days <b>12 CONNAUGHT</b> RO ROSCOMMON 1 days <b>14 LEINSTER</b> WX WEXFORD 1 days <b>02 SOUTH EAST</b> ES EAST SUSSEX 1 days EX ESSEX 1 days HC HAMPSHIRE 1 days KC KENT 1 days SC SURREY 1 days <b>03 SOUTH WEST</b> DV DEVON 2 days TB TORBAY 1 days <b>04 EAST ANGLIA</b> NF NORFOLK 1 days <b>06 WEST MIDLANDS</b> SH SHROPSHIRE 1 days <b>07 YORKSHIRE &amp; NORTH LINCOLNSHIRE</b> NY NORTH YORKSHIRE 1 days</p>	<p><b>08 NORTH WEST</b> MS MERSEYSIDE 1 days <b>10 WALES</b> PS POWYS 1 days VG VALE OF GLAMORGAN 1 days <b>11 SCOTLAND</b> FA FALKIRK 2 days <b>12 CONNAUGHT</b> RO ROSCOMMON 1 days <b>14 LEINSTER</b> WX WEXFORD 1 days <b>01 GREATER LONDON</b> EN ENFIELD 2 days <b>02 SOUTH EAST</b> EX ESSEX 1 days HC HAMPSHIRE 2 days HF HERTFORDSHIRE 1 days MW MEDWAY 1 days WS WEST SUSSEX 2 days <b>03 SOUTH WEST</b> DC DORSET 1 days <b>04 EAST ANGLIA</b> NF NORFOLK 2 days SF SUFFOLK 1 days <b>11 SCOTLAND</b> AS ABERDEENSHIRE 1 days <b>14 LEINSTER</b> WC WICKLOW</p>
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5.1536 29. The yellow highlights indicate those, in particular, which are rather surprising candidates for “comparability” with a proposed major development in an already very congested part of the South-East of England.

5.1537 30. Transport Assessment Vol 5 – Multi-Modal Assessment states, in paragraph 3.1.8, the conclusion from that TRICS analysis:

*The weekday peak hour person trip rates for the proposed development have been established as 1.148 for the AM peak (0800-0900) and 0.824 for the PM peak (1700-1800), with a respective person trip generation of 1,492 and 1,071 from 1,300 residential units.*

5.1538 31. It is revealing to consider what other consultants have assumed when promoting nearby sites. For instance, the consultants WSP for Berkeley Homes (Eastern Counties) Ltd at Broadwater Farm, North of Kings Hill submitted in 2021 the following statistics for the 900 proposed dwellings (application subsequently withdrawn):

**Table 5-4 – Total Person Trip Rates (per unit)**

Time Period	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	Arr.	Dep.	Two-Way	Arr.	Dep.	Two-Way
Total Person Trip Rate per Unit	0.224	0.956	1.180	0.641	0.290	0.931

- 5.1.13. → The above TRICS assessment suggests total two-way person trip rates of 1.180 and 0.931 for the AM and PM peak hours respectively. This is greater than those used in the Liberty applications and is therefore considered to be robust and indeed may over-estimate the out-turn demand.
- 5.1.14. → The envisaged person trip rates shown in Table 5-4 have been used as the starting point for the multi-modal trip generation analysis presented below. To inform the vehicle trip generation and distribution for the proposed development, trip rates in relation to vehicular (and other) modes have then been calculated as explained below.
- 5.1.15. → The total person trip rates at Table 5-4 have been applied to the proposed development quantum of 900 units, as presented below at Table 5-5.

**Table 5-5 – Total Person Trip Generation (900 Dwellings)**

Time Period	AM Peak (08:00-09:00)			PM Peak (17:00-18:00)		
	Arrivals	Departures	Two-Way	Arrivals	Departures	Two-Way
Total Person Trips	202	860	1,062	577	261	838

- 5.1.16. → Table 5-5 demonstrates that the residential element of the proposed development is envisaged to generate a total of 1,062 and 838 two-way person trips during the AM and PM peak hours respectively. The forecast purpose of each of these trips is assessed below.

- 5.1539 32. While in broad agreement for AM Peak, (1.148 vs 1.180), there is wide disagreement for PM Peak (0.931 vs 0.824 – 13% increase) for Total Person Trip Rates (per unit).
- 5.1540 33. That 13% would exacerbate adverse traffic impacts. Trip Rates – our summary comments.
- 5.1541 34. The consultant’s traffic analysis is clothed in complex analysis, but on a foundation of doubtful statistics.
- 5.1542 35. It paints an optimistic picture of relatively low Trip Rates, reduced further by the Aspirational Scenario and its “stick” and then obvious adverse impact mitigations deferred, or even avoided, by adoption of Decide & Provide strategy.
- 5.1543 36. The developer and Highways benefit and residents suffer added pain.
- 5.1544 37. In summary:

## Area 3 and Area 2 Planning Committees

Assumptions	Comment
A vision (Aspirational scenario)	In essence, a wish divorced from past experience and dependent on wielding a "stick" that residents are likely to resist.
Person Trip Generation	Car ownership amongst the new residents would probably be in excess of 2 per dwelling and, in the early years, residents will be of working age (while, over the years, more residents may be retired). Peak hour trips of 1,492 and 1,071 (AM and PM, respectively) look very "light" within the context of 1300 homes, 2 vehicles per home and residents generally of working age, with home- and local-working limited, buses limited and probably financially challenged, and walking and cycling assumptions very unrealistic.
Attraction Factors (page 10 of Transport Assessment Vol 5 – Multi-Modal Assessment)	We are unable to comment on these, other than wondering whether a Primary School would actually be established, given falling pupil numbers.
Sustainable Modes usage assumptions (page 10 of Transport Assessment Vol 5 – Multi-Modal Assessment)	Up to 3km is deemed suitable for walking and cycling, with up to 5km suitable for cycling and public transport. Such ideas are fanciful, especially when laden with shopping or with young children or when the weather is inclement. Realism is required and all but a very small proportion of trips should be assumed by private vehicle,
Trip Rate Trend Graphs (pages 24-26 of Transport Assessment Vol 5 – Multi-Modal Assessment)	The extrapolated lines, particularly for the Moderate Scenario, somewhat stretch credibility. For AM and PM Peaks, they claim a 14% and 27% reduction by 2038, respectively, from the 2018 figures i.e. before COVID-19.
Queue Lengths (pages 41-44 of Transport Assessment Vol 5 – Multi-Modal Assessment)	As would be expected, the Aspirational Scenario, with its vision, shows no significant increases at the 17 observation points. However, the other scenarios show a significant worsening at many of those sites, particularly A20/Hermitage Lane.

- 5.1545 38. What is required is reversion to Predict & Provide, rather than residents being treated with a "stick" while available traffic mitigations are deferred until confirmed by real-life measurements (i.e. after the event) as necessary, then planned, then financed, then delivered.
- 5.1546 39. The Aspirational Scenario and its "stick" should be discarded as social engineering, unwelcomed by residents.
- 5.1547 40. The Moderate Scenario should attract focus, with Trip Rate Assumptions reviewed and revised upwards considerably and Trip Rate Trend Graphs flattened at the 2018 level.
- 5.1548 41. It also requires that mitigations at Wateringbury Traffic Lights and at the Fountain / A26 are tested for realism. Both have previously been reviewed by Highways and declared as infeasible. Both of these locations would be adversely affected by any increase in traffic on Hermitage Lane.
- 5.1549 42. Linking the proposed development to New Road, East Malling would produce a "competitor" to the A20, with considerable leakage through East Malling's Conservation Area, Wateringbury Traffic Lights and Teston.
- 5.1550 43. That would also encourage the development of a further large number of houses on the rest of the land owned by East Malling Trust, with major implications for affected Parishes. That would remove any possibility of The East Malling Trust gifting, and perhaps endowing, that land to a Community Trust for ongoing community amenity. If they are exiting the site, that would be somewhat more in keeping with their objectives than building houses and taking the resultant

monies away from the community that has provided it with a home for over one hundred years.

Monitoring

5.1551 44. The potential situation is made worse by advocacy for Decide & Provide; that is, reacting after it becomes evident through experience, and measurement, of real-life that there is a problem, rather than applying common sense and past experience to arrive at a view of what adverse impacts will arise and what mitigations will be necessary.

5.1552 45. That D&P strategy depends on subsequent monitoring of actual traffic flows.

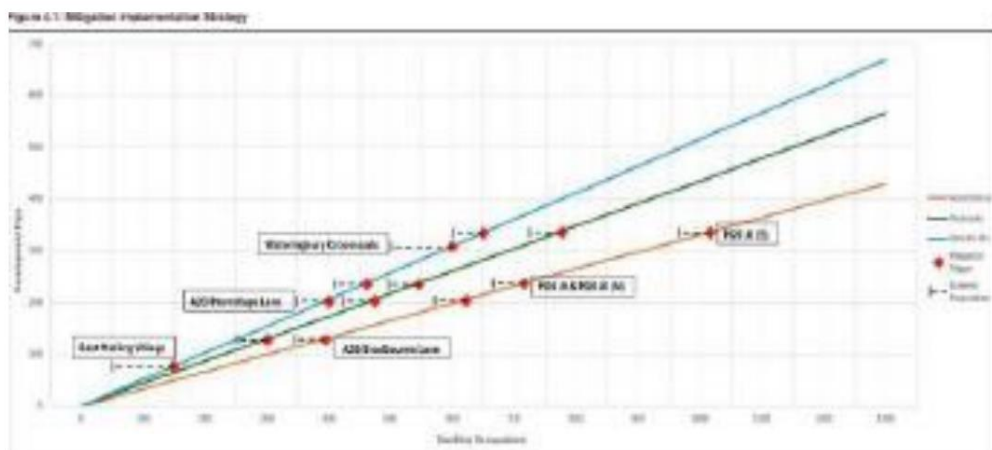
5.1553 46. Transport Assessment Vol 1 – Executive Summary contains, at paragraphs 8.1.5 to 8.1.7 (inclusive), with our highlighting:

*A proposed monitoring strategy is identified in the MEP to evidence the transport impacts of the development at various stages throughout its construction and following completion/occupation of the development. A monitoring regime of yearly survey events starting a year after first occupation and finishing 3 years after final occupation, will track the progress of the site and its associated infrastructure in terms of trip generation and modal split.*

*The outputs of the surveys will be provided to the LPA as vehicular trip rates/generation and the modal split of development related traffic for the weekday highway peak hours.*

*Based upon the identified mitigation requirements and monitoring regime an overarching implementation mechanism was developed to inform the creation of appropriate planning conditions which enable appropriate mitigation responses to be applied in a flexible manner based upon the actual outcomes of the development.*

5.1554 47. Transport Assessment Vol 6 – Monitoring & Evaluation Plan, in page 34, contains:



5.1555 48. It will be seen that:

48.1. Aspirational Scenario requires A20/Bradbourne, M20 J5 & M20 J6(n) and M20 J6(S) interventions;

48.2. Moderate Scenario then adds A20/Hermitage Lane intervention; and

48.3. Pessimistic Scenario then adds East Malling Village and Wateringbury Crossroads interventions.

5.1556 49. However, modelling would appear to ignore the fact that much Hermitage Lane traffic goes through Wateringbury traffic lights – a very problematic air quality area. That site should be triggered in line with Hermitage Lane, but mitigation has already been reviewed and set-aside by Highways.

5.1557 50. At each trigger point, there would be discussion, procrastination, funding challenges and then implementation issues. That is, not so much Decide & Provide as Procrastinate & Not Provide, while residents suffer the pain i.e. application of the “stick”.

5.1558 51. Voters may not remain relaxed at such outcome generated by T&M's decision, should it approve this application.

#### Our Request

5.1559 52. We note that many Members and Officers of T&M will be desperate to approve this application, as a very significant element of its need for “housing numbers” in its second endeavour to establish a new Local Plan.

5.1560 53. However, we ask that this application be refused, as the sustainability of additional traffic flows is not demonstrated by documents submitted with the application.

5.1561 54. To progress its preparation of a second Local Plan submission, we ask that T&M does not seek to place more development on its eastern border, compounding traffic issues that it and Maidstone Borough Council have already created around Hermitage Lane and A20.

5.1562 55. Instead we request that T&M follows MBC's example for its next Local Plan and, rather than distributing sites around the Borough and compounding existing problems, focuses upon cohesive concentrations, as MBC has done with its Garden Communities. That would imply that release of Green Belt may have to be countenanced.

5.1563 56. Finally, to ensure that the highest standards of scrutiny are applied to this application, and given T&M's potential conflict of interests, we request that East Malling & Larkfield, perhaps in cooperation with other Parishes, engages traffic

consultants to review the situation, with T&M agreeing fully to reimburse their costs of so doing.

5.1564 **TMBC Leisure Services (23/02/2026)** - Regarding the outline application for the development of up to 1300 dwellings west of Hermitage Lane Aylesford I can advise that Leisure Services would normally seek contributions for the following provision:

- Outdoor sports
- Parks and Gardens
- Amenity Green Spaces
- Children and Young Peoples Play Areas
- Natural Green Spaces contribution

5.1565 While the plans indicate that the development will include provision for Parks & Gardens, Amenity Green Spaces and Natural Green Spaces, we note a deficiency in both Outdoor Sport provision with regards to sports pitches and facilities, and Children and Young Peoples Play Areas, particularly the provision of Multi-Use Games Areas.

5.1566 If off-site provision were to be required, the Council may look to seek between £2,609,950 and £2,618,610 in contributions toward outdoor sports facilities. Indicative figures for the provision of Outdoor Sports Facilities have been calculated using the ranges within the illustrative housing mix provided on page 29 of the planning statement below.

Outdoor Sports Provision – Housing Mix A			
Dwelling type	No. of dwellings	Indicative on-site provision (sq. m)	Indicative contribution to off-site provision
1 Bed Apartment	78	62856.69	£2,618,610
2 Bed Apartment	182		
2 Bed House	364		
3 Bed House	468		
4 Bed House	208		
<b>Total provision</b>	<b>1300</b>		

Outdoor Sports Provision – Housing Mix B
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Dwelling type	No. of dwellings	Indicative on-site provision (sq. m)	Indicative contribution to off-site provision
1 Bed Apartment	104	62648.82	£2,609,950
2 Bed Apartment	156		
2 Bed House	364		
3 Bed House	468		
4 Bed House	208		
<b>Total provision</b>	<b>1300</b>		

5.1567 Please note that the final sum for off-site contributions to be sought will be calculated using the calculations below:

5.1568 In the document, Guidance for outdoor play: Beyond the six acre standard, Fields in Trust sets out Quantity benchmark guidelines for equipped/designated play space. This is summarised in the table below:

Scale of development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi Use Games Area (MUGA)
5 – 10 dwellings	X			
10 – 200 dwellings	X	X		Contribution
201 - 500 dwellings	X	X	Contribution	X
501+ dwellings	X	X	X	X

5.1569 While the planning statement refers to LAPS, LEAPs and NEAPs being incorporated into the development further detail is required regarding size and design, there is no mention of Multi Use Games Areas, and this should be provided on-site.

5.1570 If off-site provision of a MUGA were to be required, **the Council may look to seek a portion of a figure between £343,841 and £342,704 in contributions toward the creation of a multi-use games area**, (Sport England MUGA (Multi-Use Games Area) costs generally range from £150,000 to over £500,000 for new builds, depending on size, surface type, and lighting. This figure excludes the price of land), indicative figures for the provision of Children and Young Peoples Play Areas have been calculated using the ranges within the illustrative housing mix provided on page 29 of the planning statement below:

Outdoor Sports Provision – Housing Mix A			
Dwelling type	No. of dwellings	Indicative on-site provision (sq.m)	Indicative contribution to off-site provision
1 Bed Apartment	78	3066.18	£343,841
2 Bed Apartment	182		
2 Bed House	364		
3 Bed House	468		
4 Bed House	208		
<b>Total provision</b>	<b>1300</b>		

Outdoor Sports Provision – Housing Mix B			
Dwelling type	No. of dwellings	Indicative on-site provision (sq.m)	Indicative contribution to off-site provision
1 Bed Apartment	104	3056.04	£342,704
2 Bed Apartment	156		
2 Bed House	364		
3 Bed House	468		
4 Bed House	208		
<b>Total provision</b>	<b>1300</b>		

5.1571 **Please note that the final sum for off-site contributions to be sought will be calculated using the calculations provided below:**

5.1572 **Outdoor sports contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing outdoor sports pitches within 3 miles of the development:

$$£41.66 \times 20.5 \times OS = \text{Outdoor Sports Contribution}$$

Where OS =

(number of one bed flats x 1.25) +

(number of two bed flats x 1.64) +

(number of three + bed flats x 2.17) +

(number of one bed houses x 1.30) +  
(number of two bed houses x 2.11) +  
(number of three bed houses x 2.62) +  
(number of four + bed houses x 3.25)

5.1573 **Parks and Gardens contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing parks and gardens within 3 miles of the development:

$\text{£}18.62 \times 25 \times \text{PG} = \text{Parks and Gardens Contribution}$

Where PG =

(number of one bed flats x 1.25) +  
(number of two bed flats x 1.64) +  
(number of three + bed flats x 2.17) +  
(number of one bed houses x 1.30) +  
(number of two bed houses x 2.11) +  
(number of three bed houses x 2.62) +  
(number of four + bed houses x 3.25)

5.1574 **Amenity Green Spaces contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing amenity green spaces within 3 miles of the development:

$\text{£}6.38 \times 13.3 \times \text{AG} = \text{Amenity Green Spaces Contribution}$

Where AG =

(number of one bed flats x 1.25) +  
(number of two bed flats x 1.64) +  
(number of three + bed flats x 2.17) +  
(number of one bed houses x 1.30) +  
(number of two bed houses x 2.11) +

(number of three bed houses x 2.62) +

(number of four + bed houses x 3.2)

- 5.1575 **Children and Young Peoples Play Areas contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing Children and Young Peoples play areas within 3 miles of the development:

$\text{£}112.14 \times 1 \times \text{PA} = \text{Children and Young Peoples Play Areas contribution}$

Where PA =

(number of one bed flats x 1.25) +

(number of two bed flats x 1.64) +

(number of three + bed flats x 2.17) +

(number of one bed houses x 1.30) +

(number of two bed houses x 2.11) +

(number of three bed houses x 2.62) +

(number of four + bed houses x 3.25)

- 5.1576 **Natural Green Spaces contribution:** the sum calculated according to the following formula based on the number and mix of Residential Units granted pursuant to Approval (Reserved Matters) to be used as a contribution towards the provision or enhancement of existing Natural Green Spaces within 3 miles of the development:

$\text{£}6.38 \times 28 \times \text{NB} = \text{Natural Green Spaces contribution}$

Where NG =

(number of one bed flats x 1.25) +

(number of two bed flats x 1.64) +

(number of three + bed flats x 2.17) +

(number of one bed houses x 1.30) +

(number of two bed houses x 2.11) +

(number of three bed houses x 2.62) +

(number of four + bed houses x 3.25)

5.1577 **Neighbour Consultee Comments:** A total of 525 comments have been received from local residents. Of these 523 have raised objections to the proposals and two letters of support has been received. The objections to the application are summarised below:

- Traffic / road safety concerns.
- Staggered junctions are confusing for drivers who don't know right of way.
- Traffic from the Bovis development (23/03060) – retrospective permission for access road onto Mill Road and New Road.
- No room for proposed cycle lanes.
- Not realistic to expect people to use bikes instead of cars due to an insufficient wider network.
- Straight streets on the new development may encourage speeding.
- Concerns regarding existing road conditions and the impact additional traffic will have on local roads.
- Concern over GP and hospital capacity.
- Lack of GPs to be employed at the practice even if one is built – reference to the Leybourne Chase development.
- Planning permission granted for two care homes in Kings Hill and West Malling will also increase demand on the existing practices.
- Significant harm to local wildlife through loss of habitat.
- Specific mention of stag beetles, skylarks, yellowhammers (red listed), waxwings, fieldfares, red wings, house martins (red listed), and bats.
- Loss of/damage to mature hedgerows and oak trees.
- Wildlife increasingly entering local gardens due to loss of habitat – e.g., grass snakes.
- Concern over school capacity, limited SEN capacity, potential teacher shortage. The area also has experienced reduced catchment of existing schools. There is no guarantee that the school will be built.
- Loss of valuable green space in the area.
- Too much development occurring in this area of the Borough.
- Air quality / dust / pollution concern.
- Reference to the TMBC Air Quality Report.
- Loss of recreational green space and changing character of footpaths.
- Limited NHS dentists in the area.
- Reduction in the quality of life of existing residents.
- Concern over limited water supply and frequent hosepipe bans.
- Flooding concern to local area.
- Loss of agricultural land for food growth and important agricultural research.
- Excessive noise will be generated from increased traffic and through construction.
- Concern over sewer capacity.

- Cycle lanes likely will not be used as the roads are not safe.
- The Sustainable Movement Corridor (SMC) should be removed/conditioned to ensure it is not turned into an all-access road.
- Concern that SMC will act as a by-pass for the A20.
- The bus gate will likely be abused – with reference to the existing bus gate in Allington.
- Doubt whether the proposed bus service will be used if it runs only to East Malling.
- Impact on the St James Church in East Malling will be unacceptable and will negatively impact mourners.
- Queries as to why the East Malling Trust would submit this application when they are a research charity.
- Proposed housing will not be affordable as the houses will be large family homes with few low-cost rentals.
- Loss of privacy for the Orchard Gate development.
- Light pollution will increase, and concern that the survey was conducted on a cloudy night and is therefore inaccurate.
- Insufficient parking is provided in the plans, and EV provision is unclear. The Brampton Fields development was cited as a previous development with parking issues.
- Harm to the character of the local villages, the East Malling Conservation Area, and the listed buildings within East Malling.
- Loss of the strategic gap between Tonbridge and Maidstone – related to Policy CP5.
- Lack of public transport/bus services and the proposed new routes will likely not be popular.
- Lack of community clubs and facilities.
- Concern over carbon emissions and contribution to climate change.
- Further EMT land could be sold along the SMC for future development.
- Insufficient provision of train services from Barming and East Malling stations, making the stations inadequate for commuters. This will increase vehicle traffic as people will have to travel to West Malling to commute.
- Concern over the impact of lengthy construction periods for the residents nearby.
- Poor existing bin services and too much litter.
- Queries as to how TMBC can decide without an up-to-date Local Plan.
- Potential for more sinkholes and potholes from heavy road use.
- Proposed density of the development is too high.
- Concern over National Grid coping with the increased demand.
- Archaeological concern as over one third of the site did not have trenches dug and a depth of 0.5m is not deep enough due to ploughing of the fields.
- Potential for soil and land contamination following extensive agricultural research which may be hazardous for future residents.
- Concern over broadband and phone signal.

- Anti-social behaviour will increase.
- Unacceptable removal of the listed wall at the entrance to the SMC.
- Reduced property value for existing houses nearby.
- Ancient Woodland buffer is insufficient.
- Concern over increased area for the police and fire services to attend to.
- Concerns with the accuracy of the data in the Transport and Access Statement.
- The park and ride service is no longer operational.
- Potential harm to the East Malling Roman Villa.
- Concern over the BNG report and suggestion that reports should be independently verified by a CIEEM registered ecologist.
- Impact on the Grade I listed Bradbourne House through the selling of the estate.
- The provision of natural learning/ play environments for children in the area is being removed.
- Impact on local geology.
- The additional traffic will prevent roads from closing to allow for certain festivals and celebrations.
- Housing will be of poor quality.
- Decreased job availability for locals due to increased population.
- Concerns over landslips onto the railway line.
- Impact on Deadman's Wood and the archaeological potential.
- Noise from Gallagher's quarry could impact future residents – work starts early in the mornings on weekdays and Saturdays.

## **6. Determining Issues:**

6.1 The following policies and other material considerations are relevant to the proposal

National Planning Policy Framework (NPPF) 2024 (December)

National Planning Practice Guidance (NPPG)

Tonbridge and Malling Borough Core Strategy 2007 (TMBCS)

Policy CP1 Sustainable Development

Policy CP2 Sustainable Transport

Policy CP5 Strategic Gap

Policy CP6 Separate Identity of Settlements

Policy CP9 Agricultural Land

Policy CP14 Development in the Countryside

Policy CP24 Achieving a High Quality Environment

The Core Strategy is now time expired, however not all policies contained within it are out of date. The Core Strategy Policies Document sets out the weight of each policy based on relative conformity with the NPPF

Managing Development and the Environment Development Plan Document 2010 (MDE DPD):

Policy NE2 Habitat Networks

Policy NE3 Impact of Development on Biodiversity

Policy NE4 Trees, Hedgerows and Woodland

Policy SQ1 Landscape and Townscape Protection and Enhancement

Policy SQ5 Water Supply and Quality

Policy SQ6 Noise

Policy SQ8 Road Safety

TMBC Biodiversity Net Gain (BNG) Interim policy position statement

Kent Design SPD (Kent Design Guide)

KCC'S Parking Standards

TMBC Climate Change Strategy 2020 to 2030

Emerging Local Plan

- 6.2 On 21 October 2025 the Housing and Planning Scrutiny Select Committee, recommended to the Council's cabinet that the next stage of the emerging draft Local Plan is moved forward, paving the way for the formal public consultation which commenced on 10 November 2025, closing on 2 January 2026.
- 6.3 The emerging Local Plan sets out how the Council will meet the government's objectively assessed housing need requirement to deliver 19,746 new homes, which equates to 1097 per year.
- 6.4 It should be noted that this Regulation 18 Local Plan carries no weight in the assessment of the application, but the evidence base may be material.
- Environmental Statement (ES)
- 6.5 There are specific arrangements for considering and determining planning applications that have been subject to an Environmental Impact Assessment. These arrangements include consideration of the adequacy of the information

provided, consultation, reaching a reasoned conclusion on the significant environmental effects of the proposed development, publicity, and informing the consultation bodies and public of both the decision and the main reasons for it.

- 6.6 The local planning authority must take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application.
- 6.7 The Council has followed the required steps of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (EIA Regs) by consulting statutory consultees, informing persons having an interest in the application, placing the ES on the planning register and making it available on the Council's website, and sending copies of the ES to the Statement to Secretary of State.
- 6.8 Further information has been provided by the applicant, and the Council has followed the required processes in considering this information.
- 6.9 The ES has therefore been correctly submitted and the Council has correctly assessed the application in accordance with the EIA Regs.

### Principle of the development

- 6.10 As Members will be aware, The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN) with its most recent published position at 2.89 years.
- 6.11 On 12 December 2024 the Government published an updated iteration of the NPPF, and the Minister of State for Housing and Planning, Matthew Pennycook MP, made a Written Ministerial Statement ("WMS"), 'Building the Homes We Need'. The WMS confirmed the Government's "ambitious goal of delivering 1.5 million new homes this Parliament" and outlined a series of measures to reflect the Government's "commitment not to duck the hard choices that must be confronted in order to tackle the housing crisis". The latest iteration of the NPPF, dated December 2024, retains the presumption in favour of sustainable development, as revised.
- 6.12 In the absence of a five-year supply of housing, the presumption in favour of sustainable development contained in paragraph 11 of the NPPF applies – including what is often called the "tilted balance", For decision taking this means:
- "c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

6.13 In undertaking this exercise, the adopted development plan must remain the starting point for the determination of any planning application (as statutorily required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the development.

6.14 In relation to Paragraph 11(d)(i), the footnote to this paragraph (footnote 7) provides a list of those policies that relate to protected areas and assets of particular importance, this includes designated heritage assets and areas at risk of flooding. It is therefore necessary to consider the development proposals against these restrictive policies in order to establish whether the presumption re-emerges to be applied in this case. I will consider each in turn below.

#### Heritage Assets

6.15 The proposed development site is within the setting of heritage assets.

6.16 Paragraph 207 of the NPPF states that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

6.17 Paragraph 208 of the NPPF set out that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

6.18 In terms of considering potential impacts arising from development proposals paragraph 212 of the NPPF confirms that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the

asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

- 6.19 Paragraph 215 goes on to state that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 6.20 Annexe 2 of the NPPF describes the setting of a heritage asset as being:
- “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
- 6.21 It must also be remembered that the LPA has statutory duties placed on it by the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the 1990 Act requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest that they possess. Section 72(1) of the 1990 Act similarly requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.22 Within Chapter 15 of the ES, the applicant has addressed the significance of the relevant heritage assets, including the Grade I Church of St James, East Malling Village Conservation Area and the listed buildings within it, the Grade I Bradbourne House and the Romano-British villa complex, which is a Scheduled Monument. These heritage assets are found at the western end of the site, where the proposed SMC is located and where it meets New Road in East Malling. This being the case, it can be concluded that the housing element of the development, located between Hermitage Lane and Kiln Barn Road, will have no harm to the significance of any identified heritage asset.
- 6.23 Historic England’s guidance (The Setting of Heritage Assets, Planning Note 3) advises that the setting itself is not a heritage asset. Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance.
- 6.24 The Historic England official list entry for the Church of St James includes the following description:
- “Church. C12, C14, rebuilt circa 1450-1500. Ragstone with some early materials, tiles and tufa, re-used in chancel. West tower, nave with aisles and chancel. Tower: 3 stages with angle buttresses, not original. Embattled with single pointed-arched belfrey openings and string below belfrey stage. Clock above tall west window. Norman windows to north and south (blocked). Clerestory nave and*

*chancel. Transeptal chapels originally lengthened into aisles, early C14 windows to north, the original chancel windows. C19/C20 chancel east window.”*

- 6.25 Historic England have provided a significant level of input to the application, given the potential for effects arising from the SMC on the setting of the Grade I Church of St James and the Grade I Bradbourne House and other heritage assets, including the East Malling Conservation Area. The focus of Historic England has been the harm that the SMC will have on the setting of the relevant heritage assets. The applicant has listened to the views of Historic England and has made amendments to the design of the SMC at the western end of the corridor, which have resulted in the layout before the Committee.
- 6.26 These amendments have reduced the level of infrastructure provided for the SMC in the section of the corridor between New Road and the crossing of the SMC by public right of way MR100 through the removal of the footway and cycle way on the southern side of the SMC and the provision of a shared footway and cycle way on the northern side of the SMC. Additional planting is proposed along this section of the SMC and this section will be sensitively surfaced and illuminated.
- 6.27 Following consideration of the amendments proposed, Historic England have concluded that the proposals will cause less than substantial harm, and within this category of harm, in their view the proposals would sit at the lower end of the scale of harm to the Church of St James.
- 6.28 Whilst it is acknowledged that design changes and mitigation measures, including landscaping, have reduced the impacts on the setting of the East Malling Conservation Area, it is considered that there is a degree of residual harm, although once again this would be at the lower end of the scale of harm within the less than substantial category. No harm is considered to arise to the remaining heritage assets assessed.
- 6.29 On this basis it is considered that the works would not have an adverse impact on heritage assets and would therefore be in accordance with Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF. However, given that it is acknowledged that there will be less than substantial harm to a heritage asset, paragraph 215 of the NPPF requires this harm to be weighed against the public benefits of the proposal. This exercise will be carried out towards the end of this report.

#### Flooding

- 6.30 Policy CP10 of the TMBCS requires development within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development.

- 6.31 Development which is acceptable or otherwise exceptionally justified within areas at risk of flooding must: (a) be subject to a flood risk assessment; and (b) include an appropriately safe means of escape above flood levels anticipated during the lifetime of the development; and (c) be designed and controlled to mitigate the effects of flooding on the site and the potential impact of the development on flooding elsewhere in the floodplain.
- 6.32 These policies are consistent with the objectives of the framework at paragraphs 170 – 182, which require development not to be at risk of flooding (including through surface water flooding), not to increase the risk of flooding off site, and to provide suitable sustainable drainage systems. This is particularly relevant to major developments such as this.
- 6.33 The site lies with Flood Zone 1 and contains some very modest pockets of areas that are expected to experience 1 in 30 year and 1 in 100 year surface water flooding.
- 6.34 KCC (Flood and Water Management) has advised that it has no objection in principle to the development and are satisfied that the principles proposed for dealing with surface water, namely attenuation basins and deep bore hole soakaways do not increase the risk of flooding from or to the development. Furthermore, Southern Water have raised no objection to the application.
- 6.35 Conditions can be applied to ensure the scheme proceeds in line with the submitted details and that any future reserved matters applications demonstrate all requirements are met.
- 6.36 The development would therefore comply with policy CP10 of the TMBCS, and paragraphs 170 – 182 of the NPPF by not being vulnerable to flood risk, not increasing flood risk to adjoining areas or property, and by incorporating suitable SUDs, final details of which to be approved by reserved matters.

Locational characteristics and associated impacts

- 6.37 In terms of the principles of the development, Core Strategy policy CP14 is the most important to the determination of this application, due to its specific locational characteristics outside, but close to, the Malling Gap urban area.
- 6.38 Policy CP14 states that within the countryside, development will be restricted to:
- (a) Extensions to existing settlements in accordance with Policies CP11 or CP12; or
  - (b) The 1 for 1 replacement, or appropriate extension, of an existing dwelling or conversion of an existing building for residential use; or
  - (c) Development that is necessary for the purposes of agriculture or forestry including essential housing for farm or forestry workers; or

(d) Development required for the limited expansion of an existing authorised employment use; or

(e) Development that secures the viability of a farm, provided it forms part of a comprehensive farm diversification scheme supported by a business case; or

(f) redevelopment of the defined Major Developed Sites in the Green Belt which improves visual appearance, enhances openness and improves sustainability, or

(g) affordable housing which is justified as an exception under Policy CP19; or

(h) predominantly open recreation uses together with associated essential built infrastructure; or

(i) any other development for which a rural location is essential.

- 6.39 This policy seeks to limit development within the countryside including housing. However, the Borough Council has accepted on numerous occasions when dealing with other planning applications for residential developments within the countryside that this policy is out of date, inconsistent with more up to date policy in the NPPF and cannot, therefore, be attributed any meaningful weight in the determination of this particular planning application. As a result, this does not form a sufficient reason to resist the principle of development in this location.
- 6.40 Furthermore, this approach has been confirmed by numerous Planning Inspectorate decisions across the borough, including on land to the east of Hermitage Lane and to the south of Barming Railway Station (see: 20/02749/OAEA).
- 6.41 The application site lies within the area designated on the proposals map accompanying the current Development Plan as the Strategic Gap to which to policy CP5 of TMBCS applies. This policy seeks to protect the strategic gap between the built-up areas of the Medway Gap and Maidstone. However, following the abolition of the Regional Spatial Strategies (which supported such policy) by central Government and the subsequent production of the NPPF, which no longer supports the strategic gap policy, policy CP5 is also considered to be out of date and cannot be given any weight in the consideration of this application. This approach is also consistent with the Council's previous decisions, for example 17/01595/OAEA for Land at Hermitage Lane.
- 6.42 It is on this basis that no objection can be raised to the principle of development at this location, but the following assessment is made to consider whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits of doing so.

Separate Identity of settlements

6.43 Policy CP6 of the TMBCS relates to the separate identity of settlements. For the appeal against the refusal of the application for 340 dwellings on the land to the east of Hermitage Lane and to the south of Barming station (APP/H2265/W/21/3288065), the Council found no conflict with this policy, which states:

“1. Development will not be permitted within the countryside or on the edge of a settlement where it might unduly erode the separate identity of settlements or harm the setting or character of a settlement when viewed from the countryside or from adjoining settlements.

2. Any development that is considered acceptable in terms of this policy should maintain or enhance the setting and identity of the settlement, and in the countryside, be consistent with Policy CP14.”

6.44 The aim of this policy is to preserve the separate identity of different settlements and their individual characters, rather than arbitrarily preventing development outside of settlement boundaries.

6.45 Furthermore, Quarry Wood Industrial Estate to the north, the existing railway line and the boundary treatment to the east and west boundaries spatially and visually cuts off the site from the surrounding area, and the submitted masterplan (although indicative at this stage) shows how a generous landscaped buffer to all boundaries of the site could be provided between the proposed development and the boundaries. This would provide a clear legible break between the site and the nearby developed areas, and is similar to the scheme to the south-east allowed on appeal (20/02749/OAEA), with the Inspector commenting as follows in this respect:

*“The appeal site is located within a strategic gap defined by Policy CP5 of the CS. The Council accepts that this policy should not attract weight, having its origins in the now largely revoked South East Regional Plan and due to lack of consistency with the Framework. For these reasons, and bearing in mind that the policy allows for development in special circumstances such as a shortfall in strategic housing provision, I again only attach limited weight to the resulting conflict with this policy.”*

*“Policy CP6 seeks to maintain the separate identity of settlements. In this case, the Council finds no conflict with the policy, and I am inclined to agree. Whilst the site is located in the land between Maidstone and Aylesford, the railway embankment provides a physical barrier between the two settlements and the indicative masterplan demonstrates that an area of open space could also be incorporated along this side of the development. As such, the proposed development would be seen in the context of the large residential scheme adjacent to the south east, Hermitage Park, appearing as a further extension of Maidstone separate from Aylesford.”*

- 6.46 Due to the visual enclosure of the site, as well as the physical barrier of the railway to the south, the scheme is not considered to erode the separate identity of settlements or harm the character when viewed from the countryside or adjoining settlements. Consequently, it would not be contrary to the requirements of policy CP6 of the TMBCS.
- 6.47 Paragraph 83 of the NPPF advises that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” Paragraph 84 provides further guidance by stating that “planning policies and decisions should avoid the development of isolated homes in the countryside”. Given that the site is covered by the countryside designation and the earlier reference to policy CP14 of the Core Strategy, a further assessment on this ground must take place.
- 6.48 Applications heard by this Committee have already considered the Court of Appeal judgment in Braintree DC v SSCLG [2018] which clarifies the definition of isolated homes in the countryside. In this judgment, LJ Lindblom stated that when taken in its particular context within the policy “the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling that is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”. (para.31)
- 6.49 In the case of this site, it is immediately adjacent to the urban area of Aylesford, and the developments under construction south of Barming Station, approved under application 20/02749/OAEA and Whitepost Field (17/01595/OAEA), as well as the development of Whitepost Wood Lane and the RBLI Centenary Village. Furthermore, the site lies a very short distance away from Barming Railway Station and other services within Aylesford and Maidstone. The land forms a logical spatial expansion of this urban area, and given the scale of the development proposed, would not result in isolated homes in a rural area. The location is in fact highly sustainable and would not conflict with paragraph 84 of the NPPF.
- 6.50 As such, in locational (spatial planning) terms and having due regard to relevant case law and material planning considerations, it is concluded that the location of the development of this site for residential purposes would not conflict with policies CP5 or CP6 of the TMBCS.

### Character, Pattern of Development, Design and Impact Upon Landscape and Visual Amenities

- 6.51 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the

pattern of the settlement, roads and surrounding landscape. These policies are in conformity with those contained within the Framework which relate to quality of new developments.

- 6.52 Notably, paragraph 131 of the NPPF states: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
- 6.53 Paragraph 135 seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place and create attractive, safe places in which to live, work and visit. In addition, paragraph 134 sets out that permission should be refused for development that is not well designed especially where it fails to reflect local design policies and government guidance on design.
- 6.54 Within the evidence documents of the Council’s draft Local Plan, the site is identified in the Landscape Character Assessment as falling within the East Malling Greensand Fruit Belt character area of the Borough. The published Landscape Sensitivity Assessment confirms that the area has a medium to low landscape value. In addition, the Landscape Sensitivity Assessment sets out that the area has a medium landscape sensitivity to large scale residential development.
- 6.55 Information on both landscape and visual effects has been provided as part of the planning application in the form of the ES. Chapter 10 covers Landscape and Visual Impacts and considers the baseline condition of the site, adjoining land, key local viewpoints and receptors, including the Kent Downs National Landscape (AONB), which lies some distance to the north, beyond part of the built-up area of Aylesford and the M20 motorway.
- 6.56 The evidence within the submitted ES concludes that the landscape and visual impacts of the development, particularly given the context of surrounding approved schemes, would not be significant upon the wider landscape. This is due to the naturally limited visual envelope of the site, resulting from the combination of the existing surrounding landform and vegetation cover.
- 6.57 While there would be some more significant visual effects within the site itself, as a result of the proposed development, including from several public rights of way, it is not considered that the effects on the character and appearance of the area as a whole would be significant enough to justify a refusal.
- 6.58 The scale of the development allows for the retention of Ancient Woodland, the provision of a 20m buffer to the Ancient Woodland, several areas of open space, landscaping and new tree planting, to be considered in subsequent reserved matters applications, which would soften the proposal and allow for seamless

integration with adjacent development. The new tree planting includes the reintroduction of an avenue of trees historically located towards the north-eastern corner of the residential development.

- 6.59 The indicative plans, including the illustrative landscape masterplan, confirm sufficient space for this, such that confidence can be had at this outline stage that the development would not be harmful to character and appearance. As noted, the density levels would be in accordance with expected levels for a suburban area. It is also necessary to note that higher densities tend to prevail when forming new mixed use areas / centres. As noted above, densities will vary from largely 30dph to 40dph and 65dph around the proposed village centre. The indicative plans also show opportunities for tree lined streets; a measure encouraged by recent updates to the NPPF at paragraph 136.
- 6.60 The draft allocation of the site has been assessed within the Regulation 18 Landscape and Visual Appraisal (site 59861). The conclusions of this assessment support the above view that the visual effects of development on this site would be limited, provided setbacks of the development and strategic buffer planting are provided, and the design of the accesses from the east should also be carefully designed to minimise opening up views into the development. This suggested mitigation has been incorporated in the illustrative layout of the site.
- 6.61 The Sustainable Movement Corridor (SMC), proposed to run from Kiln Barn Road, past the East Malling Trust research site, to New Road, East Malling is proposed to be treated in a similar manner to the area of the site where the housing-led development would be located. That is, the northern and southern edges of the SMC are proposed to be landscaped to provide natural buffers to the surrounding area. This will replicate the trees and hedging that currently lines the existing access road that links the East Malling Trust research site to both Kiln Barn Road and New Road. It should also be noted that part of the SMC follows the route of the existing EMT access road, and this limits a degree of the additional visual and landscape impact.
- 6.62 Overall, the development is considered to be of limited and very localised harm to the character and appearance of the site and the surrounding landscape character, albeit it is important that the indicative open spaces, landscaped buffers and treatment of the accesses are realised through subsequent reserved matters applications.
- 6.63 Subject to this, the development would accord with policies CP24 of the TMBCS, SQ1 of the MDEDPD and paragraphs 131–136 of the NPPF, by respecting and reflecting local character, density and layouts, functioning well, and being visually attractive with effective landscaping.
- 6.64 Furthermore, no policy conflict or harm is identified in respect of the setting of the Kent Downs National Landscape, due to the significant level of separation,

surrounding urban context and site edge planting. This would accord with policy CP7 of the TMBCS and paragraph 189 of the NPPF.

Highways Safety, Capacity and Parking Provision

- 6.65 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.66 Policy SQ8 goes on to state that development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted. In addition, development proposals should comply with parking standards, which are set out in Kent County Council's Parking Standards (January 2025). Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.
- 6.67 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.68 Paragraph 115 of the NPPF confirms that when assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 6.69 Finally, paragraph 117 notes that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.70 Policy SQ8 is considered to be consistent with the aims of the relevant sections of the NPPF highlighted above, in requiring development not to harm highways safety, encourage sustainable and accessible transport solutions and electric vehicle charging, and to provide adequate parking to meet the needs of future occupants.
- 6.71 With a few exceptions (including a small number of vacant dwellings to be demolished) the site is currently undeveloped, and would therefore generate, at best, negligible vehicle movements to and from the site as the existing position. The introduction of up to 1,300 new dwellings would therefore result in a substantial increase in traffic on the surrounding road network, including the strategic highways network due to the proximity of the M20 motorway and A20 / M20 junction.
- 6.72 The impacts of the development on the local and strategic highways network have been considered by both KCC Highways and National Highways (formerly Highways England), with their detailed responses set out above. These authorities also have regard to the cumulative impact on the highway networks, given the proximity of surrounding consented developments.
- 6.73 The conclusion of these expert authorities is ultimately that they do not object to the proposal in respect of highways safety and capacity. However, this is subject to an extensive list of mitigation measures, many of which must be delivered prior to first occupation of the development (from which vehicle movements will start to

be generated), either by condition or via the necessary legal agreement. This includes:

1. No occupation of the development until a highways 'Monitor and Manage Strategy (MMS) has been approved by the Council, in consultation with National Highways.
2. Limitation to the number of two-way vehicle trips until the improvement scheme identified for M20 Junction 5 is complete and open to traffic.
3. Limitation to the occupation of dwellings until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout is complete and open to traffic.
4. Limitation to the occupation of dwellings until the improvement scheme identified for the M20 Junction 6 Westbound Diverge is complete and open to traffic.
5. No development to commence, save for preliminary works, until a Construction Traffic Management Plan (CTMP) has been approved by the Council, in consultation with National Highways.
6. No occupation of the development until a comprehensive Travel Plan has been approved by the Council, in consultation with National Highways.
7. The design of the Sustainable Movement Corridor (SMC) requires appropriate traffic enforcement, in consultation with KCC Highways.
8. A Transport Review Group (TRG) must be established prior to the first monitoring period for the development, in consultation with KCC Highways.
9. A Mobility Hub shall be provided within the site prior to first occupation of the site.
10. Each resident, with a valid driving licence, to be offered one year's free membership to a car club and £50 driving credit, to encourage take-up.
11. No use of the site until a Travel Plan has been approved by the Council, in consultation with KCC Highways. Monitoring fee of £1,422 for every five-year period necessary.
12. A financial contribution of £1,680,000 is required towards bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel.
13. A 6-month bus ticket to be offered to each resident upon first occupation of each dwelling, with a maximum claim of two tickets per household. Alternatively, the equivalent monetary value to be made available to an phone app / service that supersedes it.

14. A Travel Plan Toolkit fund of £400 per occupied dwelling or per a certain sqm of non-residential use (to be agreed), up to a maximum of £1,000,000, to be paid at the end of each six month period.

15. A financial contribution of £50 per residential unit towards the cost of a cycle or cycle equipment offered to residents upon occupation of their associated unit.

16. Wayleave for a potential link road to be constructed between the northern access to the site from Hermitage Lane and the Quarry Wood Industrial Estate to the north.

- 6.74 Notably these responses are clear that the planned improvements to Junction 5 and 6 of the M20 must be completed before first occupation. Given the potential increase in vehicle movements, it is considered entirely reasonable and necessary in planning terms to restrict occupation of the development by planning condition until these works are finished. There is therefore sufficient certainty that they will be delivered such that these conditions are reasonable.
- 6.75 The financial contributions also sought by KCC provide further highways / transport mitigation, including additional bus service enhancements, and monies towards the encouraging of future occupants to use sustainable methods of travel.
- 6.76 Any potential disruption during the construction process from HGVs and other construction vehicles can be managed and mitigated through the submission of a Construction Traffic Management Plan. This can be secured by condition.
- 6.77 In respect of parking, it must be remembered that the proposal is currently made in outline form, and final details of the level of parking layout would be confirmed through subsequent reserved matters applications. It is must also be remembered that parking allocation will vary, with smaller units being afforded less parking, and larger units allocated more.
- 6.78 It will be important to carefully consider this at the reserved matters stage and ensure that parking distribution is acceptable and has regard to future occupants, including the need for EV charging and accessible parking spaces for disabled occupants.
- 6.79 Additionally, the application proposes high levels of cycle spaces, to be set out in more detail at the reserved matters stage. The high number of cycle spaces is welcome, and would encourage alternative transport methods other than private cars, consistent with national policy which encourages modal shift towards more sustainable travel methods.
- 6.80 One further important consideration is the provision of the SMC, which will provide a dedicated route for buses, cyclists and pedestrians, linking the development with New Road, East Malling. The SMC is proposed to be restricted to general

vehicular traffic through the provision of a bus gate, which will be adopted and enforced by Kent County Council.

- 6.81 The design of the SMC embraces the best practice aspirations of guidance within Local Transport Node 1/20, and is supported by National Highways, KCC Highways and is strongly supported by Active Travel England.
- 6.82 The submission made by the applicant, together with the consultee responses received from National Highways, KCC Highways and Active Travel England, have all been independently reviewed by RPS Group, who were commissioned by TMBC to undertake a review of the assessment methodology presented by the applicant, the strategic modelling employed by the applicant, National Highways and KCC Highways, the mitigation and monitoring submitted by the applicant, and the suitability of the SMC.
- 6.83 RPS has concluded that the 'Vision-Led' approach to highways, which is promoted by the NPPF, is an acceptable strategy, the strategic assignment modelling approach is appropriate with which to undertake assessment of the residual traffic impacts of the proposed development, that the mitigation and modelling proposed and agreed by KCC Highways is in accordance with best practice, that a strategy is in place to ensure that the design of the SMC would be appropriate for its intended use, and that there would be buses along the SMC, which in turn would contribute towards modal shift and ensure the bus gate at the junction with Kiln Barn Road would be enforceable.
- 6.84 Overall, given the outline stage of this application, it is considered that the provision of the proposed accesses to the housing-led development and associated parking is acceptable, and consistent with adopted standards. Further scrutiny of the internal highway network for the housing development and parking provision can be provided at the reserved matters stage to ensure full policy compliance.
- 6.85 Furthermore, providing that the planned highways improvements to Junctions 5 and 6 of the M20 are delivered before first occupation of the development, the County and National Highways Authorities are satisfied that traffic generation and vehicle movements would not be harmful to road safety and operation. Accordingly, there is no evidence that the development would conflict with policy SQ8 of the MDE DPD and paragraphs 116 and 117 of the NPPF.

#### Archaeology

- 6.86 Chapter 15 of the ES provides an assessment of archaeology on the site. The application site lies within an area of archaeological potential, especially for the Palaeolithic and Bronze Age periods. Prior to construction commencing, a programme of investigative archaeological works can be requested to be carried out.

- 6.87 Subject to the investigative programme being undertaken prior to construction, the development is unlikely to cause harm or loss to archaeological assets. The investigative assessment programme for archaeological works can be sought by planning condition.

Ecology and Biodiversity / Appropriate Assessment

- 6.88 Policy NE2 of the MDE DPD requires that ‘the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced’.
- 6.89 Policy NE3 of the MDE DPD states that development that would ‘adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement’. It goes on to state that the proposals for the development must make ‘provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought’.
- 6.90 Policy NE4 of the MDE DPD further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. ‘Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, as appropriate locations to support and enhance the Green Infrastructure Network’.
- 6.91 Decisions made for development sites should accord with these policies and should contribute to enhance the natural and local environment by ‘(inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.’
- 6.92 Policy CP8 of the TMBCS deals with developments regarding International and UK statutory designated sites. Development that will directly impact these will not be permitted.
- 6.93 Policy CP25 of the TNBCS requires development that impacts the natural environment to provide mitigation measures including replacing habitats lost and new links between existing areas of wildlife where these will add a value. This may include ‘compensation to off-site schemes for strategic enhancement of biodiversity where such schemes are close to the development and of similar biodiversity interest.’
- 6.94 The council does not currently have an adopted Local Plan policy relating to BNG. Therefore, the council has produced an interim policy approach, which will be a material consideration until the new Local Plan is adopted. This establishes the council’s expectations in relation to BNG and seeks to respond to the

requirements of the Environment Act, the National Planning Policy Framework (NPPF), Planning Practice Guidance and the biodiversity emergency declared by TMBC in 2019.

- 6.95 The interim policy position is that all relevant new developments are required to provide a minimum of 10% biodiversity net gain and submit a Biodiversity Gain Plan. Biodiversity net gain must be calculated using the relevant Statutory biodiversity metric and be secured for a minimum of 30 years after the development is completed. Delivery of BNG should be sought on site first before looking at off site options.
- 6.96 It is also important to have regard to the following legislation:
- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
  - European Protected Species are listed in Schedules 2 and 5 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- 6.97 Taken together, these policies and legislative requirements require development proposals to not harm international and nationally designated sites, important habitats including their quality and quantity, and protected or notable species. The policies within the development plan are generally consistent with the more recent national policy objectives, requiring development not to have harmful effects on protected species and sites, and encouraging biodiversity net gain and ecological enhancement.
- 6.98 Chapter 11 of the ES considers the effect of the development on the relevant biodiversity and ecology considerations outlined above, along with several statutory designated locations with 4km of the site. The application site is currently dominated by arable farmland, commercial orchards, other neutral grassland and broadleaved woodland, some of which is designated as Ancient Woodland. A number of hedgerows and treelines are also present on the site.
- 6.99 Badger presence within the site is noted, including the existence of a badger sett. Bats are also present within active day roosts in two buildings and one tree on the site. In addition, woodland, trees, hedgerows and scrub within the site offer foraging / commuting habitat for bats.
- 6.100 A small number of dormice have been recorded within the site, and the site is considered to have value for hedgehogs. Several species of breeding birds have been recorded at the site, as have several species of wintering birds. Low populations of two species of reptiles, common lizard and slow worm, are found at the site, but the existing habitat was not deemed to be suitable for great crested newts. Lastly, the site is considered to have limited potential to support invertebrates.

6.101 The application proposes a series of mitigation and enhancement measures, which will overall result in a positive residual impact on the site in terms of both retained and created habitats. This includes:

- The preparation of a Construction Environmental Management Plan (CEMP), which will include measures proposed to manage, mitigate and monitor the main environmental impacts during the construction phase
- The retention of large areas of the established habitat, enhanced with other neutral grassland (sown with wildflower seed), individual trees and new woodland and mixed scrub planting.
- Where trees are to be lost to facilitate the new development, these will be cut as near to the ground as possible and used to form a number of loggeries within woodland and open grassland areas.
- Also any existing deadwood will be carefully lifted and added to the loggeries. This will provide important habitat for invertebrates, bryophytes and fungi.
- Sensitive design of the development in order to maintain the social group of badgers within the area.
- Any boundary treatment of the new development will be designed to promote permeability of the site to minimise fragmentation and allow free movement of wildlife throughout the site.
- New planting will be introduced to the site, with large areas of public open space created as part of the overall scheme, and native species of local provenance or species of known value to wildlife will be used.
- Suitable ecological buffer zones will be provided alongside the existing woodland areas, with a minimum 20m buffer zone to be created around Deadman Wood Ancient Woodland.
- Enhancement measures across the site including the provision of new roosting, nesting and sheltering opportunities for a range of species and the creation of new wildlife habitats.
- The production of a Landscape Ecological Management Plan (LEMP) for the site restoration and management will be carried out to the regrowth woodland areas to remove non-native or crowding trees and create woodland glades. Mixed species understory and woodland ground flora will be introduced to these areas;
- Native tree and hedgerow planting to extend and enhance existing tree lines;

- Addition of at least three brash piles using cuttings from the Application Site to provide wildlife habitat (in addition to the reptile receptor site);
- Install a total of 40 bird brick boxes within the walls of residential units to the edges of the Proposed Development, for species known to use the site e.g. house sparrows, ten of these will be swift boxes to encourage, swift, swallows and house martin;
- Creation of a wildlife/ SUD pond to be planted with native emergent and wildflower grassland;
- Creation of a native species rich wildflower meadows to all open space areas to form buffers for the retained woodland and railway corridor; and
- Creation of diverse scrub clumps throughout the open space to minimise impacts through scrub reduction to construct the Proposed Development.

6.102 No likely significant cumulative effects are anticipated to Ditton Quarry Local Nature Reserve (LNR), Ditton Quarry Local Wildlife Site (LWS) or Oaken Wood LWS. Each of these designated sites are found within 1km of the site will remain unlit by the development.

6.103 A consultation response has been provided by KCC Ecology, which acknowledges the fact that this is an outline application, and there are opportunities to ensure that the design of the proposed open space provides appropriate ecological mitigation can be implemented. This is subject to several conditions, which are included in the recommendation to the Committee below.

6.104 The application illustrates that the final development could achieve a net gain of 10% in biodiversity through the following measures:

- The majority of the woodland and some grassland, hedgerows, lines of trees and scrub will be retained and enhanced as part of the works, with the majority of the arable fields and intensive orchards removed to facilitate the development;
- The proposed development has been designed sensitively to incorporate a community element, in which woodland, parkland and meadows, structural planting, ponds and play areas will be created; and
- In addition, further enhancement measures will include the provision of new roosting, nesting and sheltering opportunities for a range of species and the creation of new wildlife habitats.

6.105 Under Part 6 of the Conservation of Habitats and Species Regulations 2017, Tonbridge and Malling Borough Council is required as the competent authority to

undertake an appropriate assessment of the likely impacts of the development, individually or cumulatively, on protected habitats sites.

6.106 This includes the Oaken Wood SSSI, the Allington Quarry SSSI, the Aylesford Pit SSSI, the North Downs Woodlands SAC (formed of Wouldham to Detling Escarpment SSSI and Halling to Trottscliffe Escarpment SSSI) and Peter's Pit SAC/SSSI.

6.107 The perceived threats to the integrity to each of these protected habitat sites are from recreation and air quality, invasive non-native species and inappropriate forest management. Due to the distances of separation between the application site and the surrounding protected habitats sites the development is generally not seen as a threat to them.

6.108 This is particularly the case when the development is considered in isolation and providing the following conditions / integral mitigation and embedded measures are all agreed prior to construction commencing and fully implemented during construction and operation including: effective implementation of a Construction Environmental Management Plan (CEMP), including a Ecological Mitigation Strategy (EMS), and effective implementation of a Landscape Ecological Management Plan (LEMP).

6.109 Additionally, when considering the cumulative effects of the proposed development, in conjunction with other nearby committed developments, these potential cumulative effects are limited to changes in air quality impacts to these protected sites, as a result of increased traffic flow from the development on nearby road networks.

6.110 Concluding the assessment of the development's potential effects on biodiversity, ecology, protected species and locally and statutorily protected wildlife sites and habitats, it is considered that subject to the conditions and recommendations outlined in the submitted reports, the development would not have any significant harmful effects. Through the potential delivery of a biodiversity net gain of 10%, ecology and biodiversity can also be protected and enhanced across the site.

6.111 This would therefore comply with policies NE2, NE3 and NE4 of the MDE DPD, and policies CP8 and CP25 of the TMBCS, and the Council's statutory obligations outlined above.

#### Best and Most Versatile Agricultural Land

6.112 An agricultural land quality survey has been undertaken of the site. This has found that 51.9ha, or 81%, is Grade 2 quality agricultural land and 10.4ha, or 16% is Subgrade 3a quality agricultural.

6.113 Policy CP9 of the TMBCS states that 'Development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will not be proposed in the LDF unless there is

an overriding need, and (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or (b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.'

- 6.114 Paragraph 187 of the NPPF explains that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 6.115 Policy CP9 is therefore broadly consistent with objectives of the NPPF in this respect, although the NPPF does not maintain the tests set out in CP9 whereby the loss of BMV agricultural land can only be permissible where there is an overriding need and no suitable sites in a sustainable location or poorer quality / or alternative sites would result in worse harm to BMV land. Nonetheless, both national and local policy recognise the value of BMV land, and therefore the loss of the overall 62.3 hectares if the development proceeds is a matter which must be given consideration.
- 6.116 The loss of this BMV agricultural land would also follow a cumulative trend of the loss of such land in the Borough on nearby sites, including those mentioned previously, allowed on appeal but similarly containing the best and most versatile agricultural land.
- 6.117 However, the refusal of planning permission for this scheme would not in itself restore those sites to agricultural use, and the land is surplus to the operational and research requirements of the East Malling Trust. Therefore it is difficult to conclude that the cumulative loss of BMV land is sufficient grounds to refuse the loss of this parcel.
- 6.118 Nonetheless, there would be some adverse impact and therefore policy conflict with CP9 and paragraph 187 of the NPPF. This will be considered in the overall planning balance in later chapters.

### Residential amenity

- 6.119 Paragraph 135 of the NPPF requires planning decisions to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.120 Policy CP1 of the TMBCS sets out that 'The need for development will be balanced against the need to protect and enhance...residential amenity'.

- 6.121 Areas of existing residential development exist to the north-east of the proposed residential development, to the east and to south-east along Hermitage Lane. Residential development is also found with the Orchard Gate development adjacent to Kiln Barn Road, which will be surrounded by the proposed residential development. Lastly, residential properties exist at the western end of the SMC in East Malling.
- 6.122 The established development close to the north-east of the site comprises the assisted living units and residential dwellings that make up the Centenary Village for the Royal British Legion. The parameter and illustrative drawings indicate that this north-east corner of the site is proposed to possess residential development wrapped around the vehicular access to the site proposed for this part of the site. Planting along this boundary is indicated and the proposed residential development can be positioned in such a way as to create a distance of separation between the two developments to ensure that residential amenity is preserved for both.
- 6.123 The development to the east lines Whitepost Wood Lane. The parameter and illustrative drawings again indicate that this area of the site is proposed to possess residential development. The existing woodland found in this part of the site is indicated to be retained, creating a buffer to the properties on Whitepost Wood Lane, and new planting is also indicated to be introduced on the boundary of the site. It is also the case that the proposed residential development can be positioned in such a way as to create a distance of separation between the new and existing development to ensure that residential amenity is preserved for both.
- 6.124 A small cluster of properties are situated to the south-east of the site, between the site and the railway line. This area of the proposed development is indicated to be planted up with a generous buffer, which will provide a natural screen to the development within the application site. Given the proposed relationship indicated, and distances of separation that can be achieved, it is considered that residential amenity on both sides of the application site boundary will be retained.
- 6.125 As noted above, the Orchard Gate development will be surrounded to the north-east and south by the proposed residential development. Along the boundaries shared with the Orchard Gate development, a generous natural buffer is indicated within a generous spacing between the proposed development and the existing Orchard Gate development. This indicated relationship demonstrates that the proposed development can be introduced whilst preserving the acceptable living conditions / amenity for both the new development and the existing development on Orchard Gate.
- 6.126 The proposed physical changes to the access on to New Road at the western end of the SMC reflect those that have already been approved by the Council under applications 22/00134/FL and 22/00135/LB. Given these changes have previously been accepted, and it is not considered that anything has changed at the site or the surrounding area since the approval of these applications, the proposed

development will continue to preserve the residential amenities of the properties found close to the existing access to the applicant's site from New Road.

- 6.127 Lastly, an increase in bus traffic will result from the introduction of the SMC. However, this increase will not be so significant that it will cause harm to the amenity of residents on New Road.
- 6.128 Overall, it is concluded that the submission has demonstrated that the development can be delivered whilst preserving the amenities of the occupiers of nearby dwellings and also the amenities of the future occupiers of the proposed development. This matter will be further considered in greater detail at the reserved matters stage. The proposals accord with the NPPF and policy CP1 of the TMBCS.

#### Renewable Technologies and Climate Change Strategy

- 6.129 The Council's Climate Change Strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states quite clearly that where the Local Plan is silent on a specific issue, the NPPF and the climate change strategy will remain material planning considerations to be considered when determining planning applications. Whilst the current adopted development plan policies relating to climate change and renewables are largely out of date now, the NPPF provides clear policy guidance.
- 6.130 Paragraph 164 states that new development should be planned for in ways that can 'help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.'
- 6.131 Paragraph 166 states in determining planning applications, local planning authorities should expect new development to 'a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'
- 6.132 The development will make contributions to provide bus service enhancements in the locality and make highway, cycleway and footway improvements. Other transport related measures would also be secured as part of the Travel Plan including payment towards cycle equipment for future occupiers and free bus passes for a period of time. Electric vehicle charging points are covered under Building Regulations, but will be incorporated across the detailed designed scheme.

- 6.133 As has been reported in the ecology section, the development is shown to deliver a biodiversity net gain and create / improve the existing wildlife habitats within the site.
- 6.134 Matters such as passive solar gain and the use of renewable technology will be considered at the detailed design stage of the development. However, a condition can be used to ensure that such matters are submitted as part of those details and designed into the scheme from day one.
- 6.135 On this basis, it can be concluded that the proposed development meets the national and Council requirements in terms of climate change and renewable technologies.

#### Minerals

- 6.136 The development would be undertaken on land that is mostly safeguarded within the Kent Mineral and Waste Local Plan for Hythe Formation Ragstone (Limestone). The north-eastern corner of the site (an area of 2.8ha) is also identified as Sandgate Formation (Sandstone, Siltstone and Mudstone).
- 6.137 Whilst the site's geology is consistent with the above formations, there are several factors that negatively impact the feasibility of prior extraction. One factor is that the extracted material would have a high wastage factor of 50%. Another is the significant fill required to restore the land to pre-extraction levels.
- 6.138 There are also negative social and environmental impacts of mineral extraction on a site adjacent to Ancient Woodland, existing residential properties and an existing commercial estate. The situation of the site would likely attract significant statutory objections, providing significant uncertainty if planning permission could be granted and if the permitting processes associated with mineral extraction would be successful. This would further increase the costs of mineral extraction while reducing the chance that a viable extraction operation could be made feasible.
- 6.139 Kentish Ragstone is a relatively low-demand construction material and the market to sell the potential tonnage of new resource does not currently exist.
- 6.140 Furthermore, the last remaining company actively quarrying ragstone (Gallagher Group) operates two quarries locally with reserves until 2037 (Hermitage Quarry) and 2054 (Blaise Farm).
- 6.141 KCC Minerals and Waste refer to policy DM7 of the Kent Mineral and Waste Local Plan, which sets out the safeguarding of mineral resources. There are exceptions to this safeguarding. In this instance, there are material considerations, namely the identified need for housing to be delivered within the Borough, which indicate that the need for the development overrides the presumption for mineral safeguarding.
- 6.142 As such, the development of this site is confirmed as one of the exemptions to the safeguarding of a mineral resource, of which there is already an adequate supply

of in the local area. Accordingly, it is considered that the development would comply with the Kent Mineral and Waste Local Plan.

#### Land Contamination

6.143 Paragraph 196 of the NPPF states that planning policies and decisions should ensure that:

“a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

6.144 Paragraph 197 makes clear that where “a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

6.145 Chapter 13 of the ES addresses soils, geology and contaminated land. This sets out that an appropriate geoenvironmental investigation shall be undertaken to aid project design and to identify and assess on-site and off-site sources of contamination. The data collected will be utilised to inform the design of the proposed development whilst minimising risk to an acceptable level.

6.146 Where required, as dictated by the findings of the geoenvironmental investigation, gas protection measures may need to be incorporated into the design of some of the on-site structures. In addition, localised remediation may be required, for example localised soil removal / stripping and / or reducing exposure using a simple cover system. Subject to the mitigation measures proposed, the proposed development is likely to comply with all legislation and planning policy requirements concerning contaminated land.

6.147 The Environment Agency have raised no objections to the development subject to suggested conditions. The Contaminated Land Officer as part of the Environmental Protection Consultation had no additional comments to make to the overall “no objection” from the Environmental Health Protection.

6.148 The development would accord with paragraph 196 of the NPPF by avoiding harm to future occupants through land contamination.

#### Noise

- 6.149 Paragraph 198 of the NPPF states that planning policies and decisions should ensure that “new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”
- 6.150 Chapter 9 of the ES covers the matters of noise and vibration. The ES details the measurement of the existing and proposed noise climate present at the site and compares this with appropriate standards. It goes on to set out mitigation on the attenuation measures that could be implemented to secure an acceptable environment.
- 6.151 Environmental Health have raised several points regarding the assessment completed. However, it is considered that once a final layout is received at reserved matters stage, internal and external noise levels and appropriate mitigation can be assessed. A condition is recommended to ensure that the necessary noise mitigation / attenuation measures are incorporated into the development. The proposal therefore accords with paragraph 198 of the NPPF.

#### Air Quality

- 6.152 Paragraph 199 of the NPPF states that planning policies and decisions should “sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”
- 6.153 The site lies outside of any AQMAs with the nearest ones being approximately 0.5km to the north-east, along the A20 corridor at the top of Hermitage Lane, and the other at Larkfield located approximately 1km away to the north-west.
- 6.154 An air quality assessment has been submitted under Chapter 8 of the ES, which provides an in-depth assessment of the relevant air quality standards and the receptors, including those within the nearest AQMA.
- 6.155 Environmental Health have provided their comments on the scheme and state that a financial contribution should be sought to cover running and installation costs of putting up continuous sensors to monitor air quality along Hermitage Lane.

- 6.156 In line with the conclusions of the submitted air quality assessment, it is considered that the air quality effects of the development would not be significant. The development therefore accords with paragraph 199 of the NPPF.

Sport and Recreation

- 6.157 Paragraph 103 of the NPPF sets out that the ‘Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.’
- 6.158 Policy OS3 Managing Development and the Environment DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards set out in Policy Annex OS3. Annex D to the Managing Development and the Environment DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.
- 6.159 Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3.
- 6.160 The proposal seeks to erect up to 1,300 dwellings and therefore, in accordance with Policy OS3, there will be a requirement for open space provision in accordance with the standards set out in Policy Annex OS3. Open space provision should in the first instance, be provided on the development site. If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces.
- 6.161 In this case, the proposal incorporates 28 Ha of open space provision throughout the site. The indicative plans show a large central public open space with other less formal areas throughout the site as well as the provision of the required equipped play areas. Natural and Semi-Natural Green Space will also be delivered across the scheme.
- 6.162 In terms of contributions, the Council’s Leisure Services Team have provided comments noting a deficiency in in both outdoor sport provision (sports pitches and facilities), and children and young peoples play areas (Multi-Use Games Areas) within the Borough. If these facilities are not to be delivered on-site, contributions are sought to provide them off-site. These requests are set out in the section below in the planning obligations section.
- 6.163 The applicant has responded to this request confirming that the development has been designed at illustrative stage with the intention that it will provide the full mix of playing fields and associated play space on site. If the required level of provision is not provided on site, a proportionate contribution could be made through a mechanism to be agreed in the legal agreement.

Planning Obligations

- 6.164 Policy CP26 of the TMBCS confirms that development will not be permitted unless the service, transport and community infrastructure necessary to serve it is either available or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme or make provision for financial contributions and / or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.
- 6.165 The erection of up to 1,300 additional dwellings would place considerable additional pressure on local infrastructure, including healthcare, education and open space. In accordance with policy CP26 it is therefore fully justified that financial contributions are made to mitigate the impact of the development on these key services.
- 6.166 Policy CP17 of the TMBCS confirms that the Council will seek 40% affordable housing provision in rural areas on all sites of 5 dwellings or above, or 0.16ha or above. At paragraph 6.3.26 of the TMBCS, which introduces policy CP17, clarification is provided that the Council's approach to the delivery of affordable housing will be applied on a site by site basis alongside other planning considerations that affect delivery, such as "the of development bearing in mind the need for, and cost of, on and off-site infrastructure, including transport, education and other community facilities and the need for the development to be attractive to the lenders of private finance".
- 6.167 The applicant has presented the Council with a financial viability assessment. This assessment indicates that once all costs are taken into consideration, including build costs and the planning obligations required to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development, the provision of 40% affordable housing units renders the development unviable. The applicant's financial viability assessment also demonstrates that a 30% and a 25% provision would also be unviable.
- 6.168 Appreciating that the Council require both open market housing and affordable housing to be delivered within the Borough, the applicant is offering 25% affordable housing, which ultimately impacts upon the profit that results from the development.
- 6.169 The applicant's financial viability assessment has been independently reviewed on behalf of the Council by Aspinall Verdi. The outcomes generated by the independent review by Aspinall Verdi differ from those submitted by the applicant due to variations in assumed costs and values. Notwithstanding these adjustments, the independent review demonstrates that a policy-compliant scheme results in a deficit, which is significantly below the industry accepted level of profit (17.5%).

- 6.170 To allow for a like-for-like approach, the independent review has also tested a 25% affordable housing scenario. This scenario has been found to result in a profit only marginally less than the industry accepted level of profit. However, the independent review confirms that any acceptance of a lower profit level would be at the Applicant's discretion.
- 6.171 As such, the independent review recommends that the Council should accept the reduced offer of 25% affordable housing and implement a viability review mechanism within the legal agreement to allow the Council to benefit from any future favourable uplifts in viability.
- 6.172 The following table summarises the Heads of Terms to be agreed with the applicant as part of a S106 agreement. This includes contributions sought by various consultees to mitigate the impact of the development, and that relate to other material matters. This also includes the proposed affordable housing level, and tenure split, as follows:

<p><b><u>Affordable Housing</u></b></p>	<p>25%</p> <p>Split between rented and intermediate/affordable home ownership to be agreed</p> <ul style="list-style-type: none"> <li>• Local lettings plan reference needed – relevant wards for this site are for the Medway gap housing area including Aylesford South and Ditton ward and Larkfield ward</li> <li>• nominations agreement and rights to be included</li> <li>• Affordable Rent definition needs to include reference to LHA</li> <li>• Social rent definition to be included</li> </ul>
<p><b><u>Primary Education</u></b></p> <p><i>'New on-site 2FE primary school and/or **increased capacity in neighbouring Primary Education Planning Groups.'</i></p>	<p>£1,770.30 per applicable flat.</p> <p>£7,081.20 per applicable house.</p> <p>Total - £6,904,170.00</p> <p><u>Applicable excludes 1 bed units less than 56m<sup>2</sup> GIA and any sheltered accommodation.</u></p>

<p><b><u>Primary Land</u></b></p>	<p>1 No. 2FE Primary School site of 2.5ha at 'nil' cost to the County Council (transferred as per the County Council's attached General Site Transfer Requirements).</p>
<p><b><u>Nursery</u></b></p>	<p>26 place Nursery at the new 2 Form Entry Primary School – Provided as part of the 2FE Primary School</p>
<p><b><u>Secondary Education</u></b></p> <p><i>'Towards the establishment of a new 6 FE secondary school as identified at Broadwater Farm</i>  <b>OR</b>  <i>**An alternative new secondary school in either the Malling non-selective and Maidstone &amp; Malling selective, or Tonbridge &amp; Tunbridge Wells.'</i></p>	<p>£1,396.80 per applicable flat.</p> <p>£5,587.19 per applicable house.</p> <p>Total - £5,447,510.90</p> <p><u>Applicable excludes 1 bed units less than 56m<sup>2</sup> GIA and any sheltered accommodation.</u></p>
<p><b><u>Secondary Land</u></b></p> <p><i>'Towards land acquisition costs at Broadwater Farm, or a new secondary school in either the Malling non-selective and Maidstone &amp; Malling selective, or Tonbridge &amp; Tunbridge Wells non-selective education planning groups.'</i></p>	<p>£1,196.49 per applicable flat.</p> <p>£4,785.97 per applicable house.</p> <p>Total - £4,666,320.10</p> <p><u>Applicable excludes 1 bed units less than 56m<sup>2</sup> GIA and any sheltered accommodation.</u></p>
<p><b><u>Special Education</u></b></p> <p><i>'Contribution towards a new special needs school serving this development and SRP provided within the Mainstream Education Schools on-site and within the Borough.'</i></p>	<p>£139.96 per applicable flat.</p> <p>£559.83 per applicable house.</p> <p>Total - £545,834.90</p> <p><u>Applicable excludes 1 bed units less than 56m<sup>2</sup> GIA and any sheltered accommodation.</u></p>
<p><b><u>Community Services</u></b></p>	<p>Community Learning and Skills at £44,473.00 (£34.21 per dwelling).</p> <p>Integrated Children's Services at £86,638.50 (£74.05 per dwelling).</p> <p>Library, Registrations and Archives Services at £81,419.00 (£62.63 per dwelling).</p>

	<p>Adult Social Care at £235,144.00 (£180.88 per dwelling).</p> <p>Waste at £67,600.00 (£52.00 per dwelling).</p>
<p><b><u>NHS Kent and Medway ICB</u></b></p> <p><i>‘Towards refurbishment, reconfiguration and/or extension of existing general practice or other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare Estates and Infrastructure Strategy for the area.’</i></p>	<p>To be calculated based upon dwelling size, type and level of occupancy and required to be paid prior to no more than 130 dwellings being occupied.</p> <p>Total approximately - £1,166,256</p> <p>Please see method of calculation below at paragraph 6.177</p>
<p><b><u>KCC Highways</u></b></p>	<p>Bus service contribution - £1,680,000.</p> <p>Monitoring fee of £1,422 for every five-year period of the Travel Plan (30 years).</p> <p>One year’s free membership to the car club and £50 driving credit to all residents with a valid driving licence.</p> <p>A 6-month bus ticket to be offered to each resident upon first occupation of each dwelling with a maximum claim of two tickets per household.</p> <p>A Travel Plan Toolkit fund of £400 per occupied dwelling or per a certain sqm of non-residential use (to be agreed), up to a maximum of £1,000,000, to be paid at the end of each six month period.</p> <p>A financial contribution of £50 per residential unit towards the cost of a cycle or cycle equipment, to be well advertised and offered to residents upon occupation of their associated unit.</p>

	<p>The sustainable movement corridor between Kiln Barn and New Road will require appropriate traffic enforcement to be agreed by KCC Highways, with a commensurate maintenance fee.</p> <p>Transport Review Group (TRG) must be established prior to the first monitoring period and shall meet on a six-monthly basis unless otherwise agreed by KCC, ceasing two years post full occupation, in line with the life of the Travel Plan. The TRG should consist of a member from a) the Applicant team, b) KCC, c) Tonbridge and Malling Borough Council, and will be chaired by the TPC.</p> <p>Wayleave for a potential link road to be constructed between the northern access to the site from Hermitage Lane and the Quarry Wood Industrial Estate to the north.</p>
<p><b><u>Network Rail</u></b></p> <p>Improvements to Barming station.</p>	<p>Installation of new footpath - £35,000</p> <p>Installation of new signage - £7,500</p> <p>Installation of new, secure cycle hub - £100,000</p> <p>Provision of improved passenger experience to accommodate increased use and encourage users to travel on the rail network - £300,000</p> <p>Total - £442,500</p>
<p><b><u>Biodiversity Net Gain</u></b></p> <p>Monitoring of the management and retention of the approved Biodiversity Net Gain over a 30 year period.</p>	<p>Monitoring fee</p> <p>Total - £13,819</p>
<p><b><u>Open Space</u></b></p>	<p>Outdoor Sports Facilities - £2,618,610</p>

<u>Total required if on site delivery is not achieved. However, intention is to deliver on site.</u>	Children and Young Peoples Play Areas - £343,841  Sub-total = £2,962,451 (£ 2,278.80 when aveaged out per unit)
<u>Lighting for the Church of St James</u>	Funding will be provided by the development for sensitive nighttime lighting of the church structure and tower to be agreed.
<u>Skylark plots</u>	At least 10 skylark plots being created within the site.
<u>Monitoring fee</u>	£506 per obligation

\*\* The flexibility required across education projects and education planning groups is in accordance with the Department of Education guidance on Securing Developer Contributions for education dated November 2019 (Para.20), which recommends that a preferred and contingency school expansion project is identified in a planning obligation to enable local authorities to respond to changing circumstances and new information.

6.173 The contribution requested by NHS Kent and Medway ICB is based upon the number of proposed units multiplied by the assumed occupancy multiplied by £360. An illustrative housing mix has been submitted with the application and this has been used to inform the calculation and response. The agreed contribution should, however, reflect the final housing mix. Currently, the contribution has been calculated as follows –

% within scheme	Estimated total number of Units	Dwelling size	% dwelling type	Number of dwellings	Predicted occupancy per dwelling	Total predicted occupancy	x £360
20%	260	1 bed flat	30%	78	1.4	109.2	£39,312
		2 bed flat	70%	182	2	364	£131,040
80%	1040	2 bed house	35%	364	2	728	£262,080
		3 bed house	45%	468	2.8	1310.4	£471,744

		4 bed house	20%	208	3.5	728	£262,080
<b>Total</b>	<b>1300</b>			<b>1300</b>		<b>3240</b>	<b>£1,166,256</b>

6.174 The applicant has agreed to meet these obligations, the timing of which will be phased in accordance with the requirements of the relevant consultee and in line with adjacent developments. These obligations are considered to meet the statutory tests of CIL regulation 122 in that they are necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related in scale and kind to the development. Should the Committee approve a resolution to grant planning permission, Officers can finalise the S106 agreement with the applicant on this basis, issuing the decision once the agreement is signed.

Public Sector Equality Duty – Equality Act 2010: Equality Impact

6.175 Section 149 of the Equality Act 2010 introduced the Public Sector Equality Duty (PSED), which came into force in April 2011. This duty requires public authorities, including the Council, to have due regard to the need to:

6.176 Eliminate unlawful discrimination, harassment, and victimisation;

6.177 Advance equality of opportunity between people who share a protected characteristic and those who do not; and

6.178 Foster good relations between people who share a protected characteristic and those who do not.

6.179 In the context of planning, equalities considerations are embedded throughout the planning process. This begins with the formulation and adoption of planning policies at the national, strategic, and local levels, including any supplementary planning guidance. These policies are subject to statutory processes that include assessments of their impacts on protected groups.

6.180 For individual development proposals, further consideration is given to the potential equality impacts where relevant. In this case, all relevant policies from the Tonbridge and Malling Development Plan and the National Planning Policy Framework (NPPF) have been considered in the assessment of the application. These policies have been subject to equality impact assessments during their adoption, in accordance with the Equality Act 2010 and prior legislation and the Council's obligations under the PSED.

6.181 Accordingly, the adopted planning framework used in the assessment of this application is considered to reflect and support the needs of individuals with protected characteristics, as defined by the Equality Act 2010 and previous

legislation. These characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 6.182 I can confirm that the application of local and national planning policies in the determination of this planning application has been carried out with due regard to the provisions of the Equality Act 2010.
- 6.183 In conclusion, it is considered that Tonbridge and Malling Borough Council has had due regard to its duties under Section 149 of the Equality Act 2010 in the assessment of this application and the recommendations set out in this report.

#### Planning Balance and Overall Conclusions

- 6.184 Returning to the tilted balance under paragraph 11(d) of the NPPF, triggered as a result of the Council's inability to demonstrate a 5-year supply of housing, the overarching test required to be considered by the Council is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.185 This is because no policies in the framework at the footnote to paragraph 11(d)(i) provide a strong reason for disengaging the tilted balance (i.e. Green Belt, National Landscape, irreplaceable habitats, designated heritage assets, flooding etc).
- 6.186 This is fundamentally a balancing exercise, whereby the individual benefits of the development must be weighed against any adverse impacts. But the tilted balance, by its clear framing, is not an even balance between benefits and harms: in order to promote the delivery of housing, national policy as set out at paragraph 11(d) mandates that permission should only be refused if the adverse impacts *significantly and demonstrably* outweigh the benefits.
- 6.187 The effect of this is that the starting point is weighted in favour of granting consent, and even where there are some moderate or even considerable harms arising, this may not be sufficient to reach the threshold of significantly and demonstrably outweighing the benefits.

#### *Benefits of the scheme*

- 6.188 There are the following public benefits that are associated with the proposed development:
- The delivery of 1,300 new residential dwellings, which is a significant number within the Borough.
  - The contribution to economic growth within the Borough both during construction and over the life of the development.

- The creation of full time equivalent and indirect jobs during the construction phase of the development will support the workforce and boost the local economy through local spending.
- The increase in the gross annual expenditure of the residential development.
- The provision of a range of flexible commercial and employment units to create a village hub.
- The delivery of a new primary school, which will service the site and the wider community, and will provide long term employment opportunities in the wider community.
- The proposal will create a sustainable place for people to live and support a strong, vibrant and healthy community where sustainable travel modes are encouraged.
- A range of new homes will be provided in different styles, types and sizes to support the needs of the present and future generations.
- The landscape-led masterplan design supports the creation of a well-designed, beautiful and safe place for people to live.
- Publicly accessible open spaces and new tree planting is proposed throughout the scheme. This will provide green spaces for residents to enjoy and create a healthy place for community supporting social and cultural well-being.
- The new homes will provide opportunities for those already living in the area to move in response to their changing housing needs or circumstance supporting the vitality of the local community.
- The provision of ecological enhancements across the scheme will result in a biodiversity net gain. Ecological enhancements will include new trees, shrubs and hedge planting.
- The scheme will deliver a high standard of sustainable design and high-quality new homes supporting the national direction for a shift towards a low carbon economy.
- The design and details of the scheme include measures and infrastructure to encourage the use of more sustainable modes of transport, including green routes through the site, new integrated pedestrian and cycle routes, and a sustainable link (SMC) from the site to East Malling encouraging walking, wheeling and cycling as well as providing a bus service from the site to East Malling and beyond.

- The proposal will support and encourage the minimising of waste and pollution to help mitigate and adapt to climate change.

*Heritage balance*

- 6.189 It has been acknowledged that there will be less than substantial harm, at the lower end of the scale, to the setting of the Grade I Church of St James and the East Malling Conservation Area.
- 6.190 The applicant has set out that the development, including the SMC, will allow a greater appreciation of the relevant heritage assets, most notably the Church of St James. This is due to the increase in the public use of the SMC by cyclists and pedestrians, which passes the site of the Church.
- 6.191 The applicant has also agreed in principle to provide funding to the Church to provide sensitive nighttime lighting of the Church building. This can be secured through the necessary legal agreement.
- 6.192 Another benefit identified by the applicant is the improvement to biodiversity within the application site, which it is claimed will encourage numerous species to inhabit the area, thereby improving the aesthetic setting of the historic environment.
- 6.193 The harm arising to the significance of the Church of St James and the East Malling Conservation Area, will be at the lower end of the scale of less than substantial harm. Given that part of the harm will occur to a Grade I listed building, this is afforded moderate weight. However, with the proposed mitigation and other benefits, it is considered that this heritage harm is not a strong reason for refusal against paragraph 11(d)(i) or footnote 7 of the NPPF.
- 6.194 It is concluded that the heritage harm would be overcome by the social, economic and environmental public benefits provided in the scheme that are identified at paragraph 6.188 above. Therefore, the harm identified is overridden by the outcome of the balancing exercise required by Paragraph 215 of the Framework.

*Overall balance and conclusion*

- 6.195 Taken together it is considered that the benefits that are associated with the proposals must be attributed very substantial weight in favour of granting permission, particularly the provision of up to 1,300 dwellings (along with the associated economic, social and environmental benefits). This is a significant number of dwellings, which would make a strong contribution towards the existing shortfall, as well as delivering urgently needed affordable homes. These new homes would strengthen the Council's housing supply position and help it resist inappropriate schemes in more sensitive areas.
- 6.196 The development would conflict with some local plan policies which seek to restrict development in the countryside. However, by virtue of the clear shortfall in housing supply, they are considered out of date, and in accordance with the provisions of

the NPPF, in such circumstances the weight afforded to such policies is significantly reduced.

- 6.197 Furthermore, the development is considered to be policy compliant in almost every other respect, including in regards to transport and highways, ecology, flooding / drainage, neighbouring amenity, air quality, land contamination, minerals and noise. The development is also supported by the evidence base for the Regulation 18 draft local plan.
- 6.198 Whilst there would be some harm to the identified heritage assets, and some change in character from the loss of previously open fields, the parameters of this outline scheme provide sufficient confidence that the development would be acceptably landscaped, with large areas of open space and screening, alongside the previously mentioned Ancient Woodland buffers and ecological enhancement measures. The Ancient Woodland buffers will, with appropriate management, ensure that there is no harm to irreplaceable habitats. This tempers the weight that can be afforded to the identified harm to the heritage assets and the loss of these open fields.
- 6.199 The SMC proposals have been amended which reduces the level of harm to the Grade I heritage asset and the East Malling Conservation Area, to the lowest level of less than substantial harm. With the design amendments secured (and noting the certainty on the design and appearance of this part of the SMC, which is to be fully considered at the outline stage) the level of residual harm is afforded moderate weight in the overall planning balance.
- 6.200 The loss of best and most versatile agricultural land, whilst a clear harm that weighs against the scheme, is limited by the lack of connectivity with wider agricultural parcels (owing to the relationship with the railway, established development to the north, and urban influences along Hermitage Lane). In itself, the loss of BMV land is afforded moderate weight.
- 6.201 However, it must be borne in mind that land in close proximity was granted consent on appeal with the Inspector concluding much the same. In the context of these approvals, it is further considered highly unlikely that the loss of BMV land, particularly in the context of the social, economic and environmental benefits arising from the delivery of the proposals would provide sufficient justification for refusing the development.
- 6.202 In conclusion, the proposal is largely consistent with the development plan and in line with national policy, which seeks to boost significantly the supply of housing. Where there is divergence from the adopted development plan in respect of harm at the lower end of less than substantial harm to the identified heritage assets, the loss of BMV agricultural land and the location outside of settlement boundaries, material considerations exist to justify a departure from these policies; namely, the inconsistency of the Council's spatial strategy with the more up to date NPPF, a clear shortage of housing land supply, and engagement of the tilted balance in

favour of sustainable development for a significant number of new homes (including affordable housing).

- 6.203 The adverse impacts of granting permission do not therefore significantly and demonstrably outweigh the numerous and weighty benefits of the development. On this basis, the application is recommended for approval, subject to the conditions set out below, and the satisfactory completion of a S106 agreement to secure the necessary level of affordable housing and planning obligations.

**7. Recommendation:**

- 7.1 **GRANT OUTLINE PLANNING PERMISSION** subject to:

7.2 The applicant entering into a planning obligation with the Council to provide on-site affordable housing and financial contributions towards the provision of education facilities and community services, health provision, public transport, and Network Rail contributions for upgrading Barming Station as set out in paragraph 6.176; and

- 7.3 The following planning conditions and informatives:

**Conditions**

General Conditions

1. Approval of details of the siting, design and external appearance of the building(s), and the landscaping of the site, for any phase or sub-phase of the development of the site, (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters in the first phase or first sub-phase of the development shall be made to the Local Planning Authority not later than 3 years from the date of this permission. Application(s) for the approval of the remaining phases or sub-phases of the development shall be made to the Local Planning Authority not later than 10 years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of 2 years from the date of the approval of the first reserved matters, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved for the first phase or first sub-phase of the development, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Vacant Buildings - Demolition Plan, Ref: 604822 - DP01
- Vacant Buildings - Demolition Plan (Site Wide), Ref: 604822 - DP02
- Proposed Site Access - Kiln Barn Road (Ref: 22-031-031 Rev. B)
- Proposed Site Access - Sustainable Movement Corridor (SMC) (Western Section) (Ref: 22-031-104 Rev. E)
- Proposed Site Access - Hermitage Lane (South) (Ref: 22-031-029 Rev. B)
- Proposed Site Access - Hermitage Lane (North) (Ref: 22-031-030 Rev. B)
- Proposed Site Access - New Road/Chapel Street (Ref: 22-031-047 Rev. C)
- Proposed Site Access - PRow Access 1 (Ref: 22-031-050)
- Proposed Site Access - PRow Access 2 (Ref: 22-031-051)
- Proposed Site Access - PRow Access 3 (Ref: 22-031-052)
- Proposed Site Access - PRow Access 4 (Ref: 22-031-053)

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

5. Applications for the approval of the reserved matters shall be in general conformity with the design principles described in the Design and Access Statement (March 2024) and the following plans:

- Land Use Parameter Plan (Ref: 604822-PP02 Rev. H)
- Access and Circulation Parameter Plan (Ref: 604822-PP03 Rev. H)
- Building Heights Parameter Plan (Ref: 604822-PP04 Rev. G)
- Density Parameter Plan (Ref: 604822-PP05 Rev. G)
- Green and Blue Infrastructure Parameter Plan (Ref: 604822-PP06 Rev. G)

Reason: In order for the reserved matters to proceed in general conformity with the outline parameters of the scheme.

6. Prior to the submission or at the same time as the submission of the first reserved matters applications, a Phasing Plan to identify the phases of development shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the quantum of development in each phase, whether that is the number of market and affordable dwellings or other uses, together with the general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, public open space, play areas and

access for pedestrians, cyclists and vehicles. The development shall thereafter be carried out in accordance with the approved phasing or any variation to the phasing as may be approved from time to time by the Local Planning Authority in writing.

N.B. For the avoidance of any doubt, any references in this decision notice to a phase shall be as per the phases identified in the Phasing Plan approved pursuant to this condition.

Reason: In the interests of highway safety and the amenity of the locality.

7. The Sustainable Movement Corridor, including the western section, shall be constructed and made available for use prior to the occupation of the 130th dwelling. Once constructed, the entire Sustainable Movement Corridor, including the western section, shall thereafter remain available for use by all permitted users, including bus services at all times.

Reason: To ensure delivery of infrastructure serving non-car travel modes and in the interests of highway safety and the amenity of the locality to ensure delivery of infrastructure serving non-car travel modes.

8. Applications for the approval of each phase of the reserved matters shall be accompanied by a scheme of landscaping and boundary treatment to broadly accord with the Illustrative Landscape Masterplan Drawing Ref: 6116-LLB-XX-XX-DR-L-0002-S4-P05.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

9. Applications for approval of each phase of the reserved matters shall show arrangements for the storage and screening of refuse and recycling to be approved in writing by the Local Planning Authority. Prior to the occupation of each dwelling / building, the approved arrangements shall be implemented in relation to that particular dwelling / building, and retained at all times thereafter.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

### Sustainable Movement Corridor Landscaping

10. Prior to the construction of any part of the approved Sustainable Movement Corridor between New Road East Malling and Kiln Barn Road, as shown on drawing Proposed Site Access - Sustainable Movement Corridor (SMC) (Western Section) (Ref: 22-031-104 Rev. E) or a defined part of the Sustainable Movement Corridor, landscaping details along the relevant part of the Sustainable Movement Corridor are to be submitted and approved in writing by the Local Planning Authority. The Sustainable Movement Corridor landscaping is to broadly accord with the details shown on the following drawings:
- Illustrative Landscaping - Sustainable Movement Corridor - Existing Vegetation (6116-LLB-XX-XX-DR-L-0009-S4-P01)
  - Illustrative Landscaping - Sustainable Movement Corridor - Post-Development Vegetation (6116-LLB-XX-XX-DR-L-0010-S4-P02)
  - Illustrative Landscape Section Drawing - Section AA (6116-LLB-XX-XX-DR-L-0006-S4-P01)
  - Illustrative Landscape Section Drawing - Section BB (6116-LLB-XX-XX-DR-L-0007-S4-P01)
  - Illustrative Landscape Section Drawing - Section CC (6116-LLB-XX-XX-DR-L-0008-S4-P01)

The landscaping shall be carried out in accordance with the approved details within the first planting season following the first use of the Western Section of the SMC.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice and in accordance with Tonbridge and Malling Borough Core Strategy 2007 policies CP1 and CP24, Managing Development and the Environment Development Plan Document 2010 policy SQ1 and the National Planning Policy Framework 2024 (paragraphs 135 and 140).

#### Hermitage Lane Access (North)

11. The reserved matters application for the detailed design of the north eastern part of the site which utilise the northern access to the site from Hermitage Lane as shown on Proposed Site Access - Hermitage Lane (North) (Ref: 22-031-030 Rev. B) shall consider the potential for the creation of a link road to be constructed to allow a connection to Quarry Wood Industrial Estate to the north.  
Reason: In the interests of highway safety and the amenity of the locality.

#### Highways Conditions

12. Prior to the first occupation of the development hereby permitted, a detailed highways 'Monitor and Manage Strategy' (MMS) shall be submitted to, and approved in writing by, the Local Planning Authority.

The MMS shall set out details of monitoring of vehicles to and from the development during its occupation and a methodology to determine the actual traffic impacts of the occupied dwellings in terms of traffic flow changes, changes to road safety risk, and changes in traffic conditions (queue lengths and delays) on the M20 Junctions 5 and 6. The information shall be set out in a report and be used to validate the appropriateness and timing of the implementation of the measures in the approved Travel Plan.

Reason: In the interests of highways safety and to support a vision led approach to development so the likely impacts of the proposal can be assessed and monitored in accordance with para 118 of the NPPF and to minimise traffic generated by the development and to ensure that the M20 Junctions 5 & 6 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

13. Subject to the validation of the outcomes of the highways Monitor and Management Strategy (MMS), no more than 180 two-way vehicle trips during the AM peak (08:00-09:00) and/or 120 two-way vehicle trips during the PM peak (17:00-18:00) for the development hereby permitted shall be allowed until the improvement scheme identified for M20 Junction 5, as shown in approved drawing ref: 22-031/049\_Rev F in the Stage 1 Road Safety Audit Response Report (22-031-021 Rev - July 2025), is complete and open to traffic.

Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 118 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.

14. Subject to the validation of the outcomes of the highways Monitor and Manage Strategy (MMS), no further occupation of dwellings shall occur at such time that the development aggregately would generate from the site accesses more than 79 total departure trips in the PM peak hour (17:00 – 18:00) until the improvement scheme identified for M20 Junction 6 Cobtree Roundabout, as shown in approved drawing ref: ITB9400-GA-044 (dated 30 August 2023), titled 'Proposed Arrangement for Northbound Slip of M20 Junction 6', is complete and open to traffic.

Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 116 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.

15. Subject to the validation of the outcomes of the highways Monitor and Manage Strategy (MMS), no further occupation of dwellings shall occur at such time that the development aggregately would generate from the site accesses 156 or more total arrivals trips in the PM peak hour (17:00-18:00) until the improvement scheme identified for the M20 Junction 6 Westbound Diverge, as shown in approved drawing ref: 20-078-008 Rev H (dated April 2024), titled 'Proposed M20 J6 Diverge Upgrade', is complete and open to traffic.

Reason: To mitigate the impact of the development on the M20, in accordance with paragraph 116 of the NPPF (December 2024) and paragraph 40 of the DfT Circular 01/2022.

16. Save for preliminary works, prior to the commencement of the development in any phase hereby approved, arrangements for the management of all construction works for that particular phase shall be submitted to and approved in writing by the Local Planning Authority in the form of a Construction Traffic Management Plan (CTMP). The CTMP shall include (but not necessarily be limited to) the following:

- Routing of construction and delivery vehicles to / from site;
- Parking and turning areas for construction and delivery vehicles and site personnel;
- Timing of deliveries and permitted construction traffic arrival and departure times, avoiding network and school peaks where possible;
- Provision of wheel washing facilities;
- Temporary traffic management / signage;
- Details of construction phasing;
- Measures to prevent the discharge of surface water onto the highway; and
- Procedures for notifying local residents and other neighbours as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination.

Thereafter all construction activity in respect of the development in each phase shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with National Highways.

Reason: In the interests of highways safety and to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety in accordance with para 115 of the NPPF.

17. The development hereby permitted shall not be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared in line with prevailing policy and best practice and shall include (but not necessarily be limited to) the following:

- The identification of targets for trip reduction and modal shift;
- The measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements;
- The timetable/ phasing of the implementation of the Travel Plan measures shall be alongside occupation of the development and its operation thereafter;

- The mechanisms for monitoring and review;
- The mechanisms for reporting;
- The remedial measures to be applied in the event that targets are not met; and
- The mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The development shall only be occupied in accordance with the approved Travel Plan which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2024) and paragraph 40 of DfT Circular 01/2022.

18. The details submitted in pursuance of Condition 1 shall show land reserved for parking. No building hereby approved shall be occupied until the parking area to serve that building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking area unless otherwise agreed in writing with the Local Planning Authority.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

19. Prior to, or at the same time as, the submission of the reserved matters application for the phase of development that includes the Village Centre as identified in red as the location of the “Mixed Use including residential (E, C1, C2, C3, F.1, F.2) (0.7ha)” on the Land Use Parameter Plan (Ref: 604822-PP02 Rev. H), full details of a Mobility Hub shall be submitted to and approved in writing by the Local Planning Authority. The Mobility Hub should contain as a minimum:

- Three dedicated car club parking spaces to support electric car club vehicles including plug in charge point;
- Electric bike hub with plug in charge point;
- Cycle stands and lockers;
- Cycle repair stand;
- Cycle pump;
- An information terminal;
- Cycle hire (including cargo cycles) and secure parcel lockers should also be considered; and
- Location of the Mobility Hub.

Unless otherwise agreed in writing, the approved Mobility Hub shall be provided prior to 300th occupation of the development and shall be thereafter maintained.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2024).

20. Prior to the commencement of the development in any phase hereby approved, a Public Right of Way Management Scheme to cover both construction and operation of the Public Right of Way(s) within that particular phase shall be submitted to and approved in writing by the Local Planning Authority. This should detail widths, surfaces, road crossings and path management during the development process, to ensure a timely and legal build out and reduce the negative impact on the public right of way use. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not negatively impact the existing public right of way network.

### Design

21. Applications for the approval of each phase of the reserved matters shall be accompanied by a contoured site plan and details of the slab levels at which the dwellings are to be constructed, and the development shall be carried out in accordance with the approved details for each phase.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

22. No development above ground in a particular phase shall commence until details of all materials to be used externally on the buildings within that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the area or the visual amenity of the locality.

### Contamination

23. No development of any phase of the development (or part thereof) shall take place, other than as required as part of any relevant approved site investigation works, until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;

- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

24. Following completion of the approved remediation method statement for each phase of the development (or part thereof), and prior to the first occupation of the relevant phase a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place within any phase of the development (or part thereof) such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the National Planning Policy Framework.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework.

26. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

27. Prior to the commencement of any piling that is necessary for any building within any phase of the development, details of the piling techniques to be used for those buildings shall be submitted to the Local Planning Authority for its approval together with details of any measures that are considered to be necessary to mitigate against noise disturbance and groundwater contamination. Each phase of the development shall be undertaken in accordance with the details so approved for each phase.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

### Drainage

28. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment prepared by Charles and Associates (Revision A- March 2024). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical

100-year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

- A description of the drainage system and its key components;
- A general arrangement plan with the location of drainage measures and critical features clearly marked;
- An approximate timetable for the implementation of the drainage system;
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities;
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime;
- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; and
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in each phase in accordance with the approved details including the agreed timetable.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

29. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as

constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

30. No development within a phase of development shall take place until a strategy detailing the proposed means of foul waste disposal for that phase and an implementation timetable, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that the adequate infrastructure is provided to meet the needs arising from the development hereby permitted.

### Archaeology

31. No development shall take place within each phase of the development until the applicant has secured the implementation of a programme of archaeological work for that phase in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority in writing.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

### Ecology / Landscaping

32. No development (including ground works, site and vegetation clearance) shall take place until a site-wide outline construction ecological management plan (OCEMP - biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP - biodiversity shall include the following and be based on the ecological survey information submitted as part of the application and up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- Purpose and objectives for the proposed works;
- Overview of the mitigation required and plans showing the areas it will be implemented;
- Extent and location of proposed works shown on appropriate scale maps and plans for all relevant species and habitats;
- Areas where a detailed arboricultural method statement to protect retained trees is required;
- Anticipated Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- Persons responsible for implementing the works.

Reason: To protect habitats and species identified within the site from adverse impacts.

33. No phase of development (including any ground works, site or vegetation clearance) shall commence until a construction ecological management plan (CEMP - biodiversity)) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP - biodiversity shall include the following and be based on the ecological information submitted with the outline application and the Outline Construction Ecological Management Plan required by condition 32 and up-to-date ecological survey information, as advised by a suitably qualified ecologist:
- Purpose and objectives for the proposed works;
  - The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
  - Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
  - Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;
  - Confirmation of what protected species licences (e.g., badgers and dormice) are required to be obtained in advance of site clearance/construction and any relevant mitigation measures required;
  - Reference to or inclusion of a detailed arboricultural method statement to protect retained trees;
  - Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works; and
  - Initial aftercare and reference to a long-term maintenance plan (where relevant).

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

Reason: To protect habitats and species identified within the site from adverse impacts.

34. No development (including ground works, site and vegetation clearance) shall take place until an Outline Habitat Management and Monitoring Plan (the OHMMP) informed by up-to-date ecology surveys as advised by a suitably qualified ecologist, has been submitted to and approved in writing by the Local Planning Authority and including the following:
- (a) measures to protect and enhance retained assets (noting commitments secured at the outline application stage);
  - (b) identify opportunities to create new biodiversity assets and links to existing off site ecological networks;

- (c) demonstration of how the above measures contribute to achievement of 10% minimum net gain target for the overall development site based on an up-to-date statutory biodiversity net gain metric and the overall biodiversity gain plan; and
- (d) the framework management and maintenance strategy.

Reason: To ensure mandatory Biodiversity Net Gain (BNG) is delivered, maintained and secured.

35. No phase of development shall commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Outline HMMP submitted as part of condition 34, approved Phase Biodiversity Gain Plan for that phase, and based on up-to-date ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the Local Planning Authority and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Phase Biodiversity Gain Plan for that phase;
- (d) the management measures to maintain habitat in accordance with the approved Phase Biodiversity Gain Plan for that phase for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP for that phase shall be implemented, managed and maintained in accordance with the approved HMMP for that phase. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP for that phase.

Reason: To ensure mandatory Biodiversity Net Gain (BNG) is delivered, maintained and secured.

36. With the submission of the reserved matters application for each phase an ecological enhancement plan must be submitted to the Local Planning Authority for written approval. It must demonstrate that integrated features for bats, birds or bees have been incorporated in to all buildings and enhancement features incorporated in to the open space. The plan must include a map showing the location of the features and details of the types, makes and modes of the features to be installed. The plan must be implemented as approved.

Reason: To ensure that the development actively improves the biodiversity value of the site.

37. Prior to the submission of the first reserved matters application, a site-wide lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall include the following:
- The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates and bat roosting sites and/or foraging/commuting routes;
  - The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;
  - The provision of technical specifications for the external lighting;
  - An explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent update) has been considered during the lighting design process;
  - The provision of lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors; and
  - Sufficient information to enable non-lighting professionals to understand the avoidance and mitigation measures proposed.

No external lighting shall be installed for any phase until a lighting plan(s) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light spill throughout the site.

38. Prior to the completion of each phase, a lighting plan(s) for biodiversity for that phase, shall be submitted to and approved in writing by the local planning authority. The plan(s) shall follow the design parameters set out in the approved site-wide lighting design strategy and include the following:
- The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates and bat roosting sites and/or foraging/commuting routes;
  - The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;
  - The provision of technical specifications for the external lighting;
  - An explanation of how the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting at Night' (or subsequent update) has been considered during the lighting design process;
  - The provision of lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors; and
  - Sufficient information to enable non-lighting professionals to understand the avoidance and mitigation measures proposed.

All external lighting shall be installed prior to first occupation of each phase in accordance with the specifications and locations set out in the plan(s) for that phase, and these shall be maintained thereafter in accordance with the strategy.

Reason: To minimise light spill throughout the site.

39. No development shall take place (including any ground works, site or vegetation clearance) within each phase until a construction ecological management plan (CEMP (biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (biodiversity) shall include the following and be based on the findings and conclusions of up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- Purpose and objectives for the proposed works;
- The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;
- Reference to the relevant protected species licences (e.g. bats or badgers) to be obtained in advance of site clearance/construction and any relevant mitigation measures required;
- Inclusion of a detailed arboricultural method statement to protect retained trees;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- Initial aftercare and reference to a long-term maintenance plan (where relevant);
- Disposal of any wastes for implementing work.

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

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

40. At the time of the submission of Reserved Matters for each phase of the development pursuant to Condition 1, a scheme of hard and soft landscaping and boundary treatment shall be submitted to the Local Planning Authority for formal approval as part of that particular phase. The landscaping details shall include an implementation programme for all planting, seeding and turfing including any

ecological enhancement measures. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. The approved hard landscaping works shall be implemented prior to first occupation of those parts of the development to which they relate.

Reason: In the interests of visual and rural amenity and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraph 135 of the National Planning Policy Framework.

41. No dwellings shall be occupied until full details of the open space to be provided on site (including amenity space, children's play areas and natural green spaces) within the development or within each individual phase of development, along with a timetable for provision and a scheme for future management of the spaces have been submitted to and approved in writing by the Local Planning Authority. The details shall include any fencing and equipment to be installed. The approved scheme shall be fully implemented in accordance with the timescale approved and shall be maintained and retained at all times thereafter.

Reason: To ensure that the development is appropriately served by open space in accordance with the requirements of policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.

42. With the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority, addressing:

1. Creation and enhancement of habitats in accordance with the biodiversity net gain assessment, up-to-date ecological survey data and ecological commitments made within submission documents.

2. Management of on-site habitats to achieve biodiversity net gain in accordance with the biodiversity net gain assessment, up-to-date ecological survey data and ecological commitments made within submission documents.

3. Biodiversity enhancement measures, including building-integrated bat boxes, bird nest boxes, bee bricks, native species planting and installation of log piles.

4. Management and maintenance of public amenity areas and associated infrastructure and facilities.

The content of the LEMP shall be based on up-to-date survey information, and the LEMP shall include the following:

- a. Purpose and conservation objectives for the proposed ecological design works.

- b. Detailed design(s) to achieve stated objectives (including detailed soft landscaping plans, planting schedules, and habitat features such as bird and bat boxes shown on scaled plans suitable for construction).
- c. Extent and location/area of proposed works on appropriate scale maps and plans.
- d. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e. Timetable for implementation, including the planting of the screening hedgerow prior to first use of the development.
- f. Persons responsible for implementing the works.
- g. Details of initial aftercare.
- h. Aims and objectives of management.
- i. Prescriptions for management actions for the lifetime of the development.
- j. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- k. Habitat monitoring provisions.
- l. Details of the individual, body or organisation(s) responsible for implementation of the plan.
- m. A minimum of a 20m buffer to the Ancient Woodland along with on going management provisions.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

### Supporting Plans and Documents

43. The application was accompanied by the following documents to inform the planning assessment:
- Planning Statement dated February 2024
  - Agricultural Land Quality Report dated 26 October 2023 (Ref: 2036/1)
  - Arboricultural Impact Assessment dated 8 March 2024 (Ref: 1446-AIA-V1-B)
  - Tree Constraints Plan (Overview) (Ref: 1446-TCP-001-F)

- Tree Constraints Plan (Ref: 1446-TCP-002-F)
- Tree Constraints Plan (Ref: 1446-TCP-003-F)
- Tree Constraints Plan (Ref: 1446-TCP-004-F)
- Tree Constraints Plan (Ref: 1446-TCP-005-F)
- Tree Constraints Plan (Ref: 1446-TCP-006-F)
- Tree Constraints Plan (Ref: 1446-TCP-007-F)
- Tree Constraints Plan (Ref: 1446-TCP-008-F)
- Tree Constraints Plan (Ref: 1446-TCP-009-F)
- Tree Constraints Plan (Ref: 1446-TCP-010-F)
- Tree Constraints Plan (Ref: 1446-TCP-011-F)
- Arboricultural Impact Plan (Overview) (Ref: 1446-AIP-012-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-013-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-014-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-015-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-016-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-017-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-018-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-019-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-020-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-021-C)
- Arboricultural Impact Plan (Ref: 1446-AIP-022-C)
- Framework Ancient Woodland Management Plan dated October 2024 (Ref: 223364)
- AAe response note dated 17 October 2024 (Ref: 223364/HRS)
- Technical Note - Biodiversity Net Gain Revision A dated November 2024 (Ref: 223364)
- Statutory Biodiversity Metric dated 7 March 2024
- Energy Statement dated February 2024 (Ref: SOL\_22\_S049\_ENT)
- Flood Risk Assessment dated March 2024 (Ref: 22-031-002 Rev A)
- Statement of Community Engagement dated May 2023
- Sustainability Statement dated February 2024 (Ref: SOL\_22\_S049\_ENT)
- Minerals Resource Assessment dated 17 March 2025 (Ref: 416.066124.00001)
- Archaeological evaluation report dated November 2024 (Ref: EV KBR 24)
- Historic Landscape Assessment dated April 2025 (Ref: OT KBR 24)
- The Church of St James and East Malling Conservation Area Heritage Statement dated November 2024 (Ref: OT KBR 24)
- East Malling Roman Villa Heritage Statement dated November 2024 (Ref: OT KBR 24)
- Nineteenth century park landscape associated with Preston Hall Heritage Statement dated November 2024 (Ref: OT KBR 24)
- Addendum to Heritage Surveys dated April 2025 (Ref: OT KBR 24)
- Assessment of the reduced width Sustainable Movement Corridor on the setting of the heritage asset dated December 2025 (Ref: OT KBR 24)
- Transport Assessment Vol 1 – Executive Summary dated September 2024 (Ref: 22-031-R1001 Rev B)
- Transport Assessment Vol 2 – Policy and Site Context dated September 2024 (Ref: 22-031-R1002 Rev B)

- Transport Assessment Vol 3 – Development Vision & Proposals dated September 2024 (Ref: 22-031-R1003 Rev B)
- Transport Assessment Vol 4 – Sustainable Travel Strategy dated September 2024 (Ref: 22-031-R1004 Rev B)
- Transport Assessment Vol 5 – Multi-Modal Assessment dated September 2024 (Ref: 22-031-R1005 Rev B)
- Transport Assessment Vol 6 – Monitoring & Evaluation Plan dated September 2024 (Ref: 22-031-R1006 Rev B)
- Transport Technical Note – Response to ATE Comments dated July 2024 (Ref: 22-031-R2002 Rev A)
- Transport Technical Note – Bus Gate Enforcement - Information Note dated July 2024 (Ref: 22-031-R2005 Rev A)
- Transport Technical Note – Response Note to KCC Highways dated August 2024 (Ref: 22-031-R2004 Rev -)
- Transport Technical Note – SMC Design Rationale dated August 2024 (Ref: 22-031-R2006 Rev A)
- Transport Technical Note – SMC Design Rationale dated September 2024 (Ref: 22-031-R2006 Rev B)
- Transport Technical Note – Response Note 2 to KCC Highways dated March 2025 (Ref: 22-031-R2013 Rev -)
- Transport Technical Note – Response Note to RPS Highways Review dated December 2025 (Ref: 22-031-R2019 Rev -)
- Sustainable Movement Corridor Statement of Need
- Sustainable Movement Corridor – Justification & Evidence Base dated December 2025 (Ref: 22-031-R2018 Rev A)
- Photomontage from Bradbourne House towards the Church of St James The Great
- Environmental Statement Addendum: Volume 1, Main Text, Chapters 1-6 dated 8 March 2024 (Ref: E3242) and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 7 – Transport and Access and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 8 – Air Quality and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 9 – Noise and Vibration and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 10 – Landscape and Visual Impacts and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 11 – Ecology & Biodiversity and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 12 – Water Quality, Hydrology and Flood Risk and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 13 – Soils, Geology and Contaminated Land and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 14 – Waste Management and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 15 – Archaeology and Heritage and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 16 – Socio-economics, Population and Human Health and appendices

- Environmental Statement Addendum: Volume 1, Main Text, Chapter 17 – Climate Change and appendices
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 18 – Lighting
- Environmental Statement Addendum: Volume 1, Main Text, Chapter 19 – Conclusions
- Environmental Statement: Volume 3, Non-Technical Summary dated 7 March 2024 (Ref: E3242)
- EIA Statement of Conformity dated October 2024 (Ref: E3866)
- EIA Statement of Conformity dated 16 March 2025

Reason: The environmental impacts of the development have been assessed in relation to the parameters of the development shown in the submitted drawings and documents. In order to ensure the development proceeds on the basis of the assessed parameters.

### Informatives

1. In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 180 two-way vehicle trips during the AM peak (08:00-09:00) and/or 120 two-way vehicle trips during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 5 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.
2. In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 79 departure vehicle trips during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 6 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.
3. In the event that the highways Monitor and Manage Strategy confirms that the development is able to generate more than 156 vehicle trip arrivals during the PM peak (17:00-18:00) and can be safely accommodated by the existing M20 Junction 6 layout, the improvement scheme, as shown in the drawing referenced above, shall be completed and open to traffic when the number of vehicular trips generated by the development that, on the basis of the monitoring data and up-to-date transport evidence, renders the approved mitigation necessary.
4. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as

trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water. Borehole soakaways must maintain an unsaturated zone all year.

5. It is understood that foul drainage will be directed to the mains sewer network and that no discharge to the environment is proposed. We have no objection to this. The developer must ensure there is adequate capacity in the on-site and off-site network prior to any occupation of any phase.
6. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
7. The use of bonfires on the site could lead to justified complaints from residents and the disposal of demolition waste by incineration is also contrary to Waste Management Legislation. It is therefore recommended that bonfires not be had at the site.
8. Your attention is drawn to the comments available online by Kent police Designing Out Crime Officers in relation to crime prevention on the site.
9. Your attention is drawn to the comments available online by TMBC Waste Services in relation to refuse collection provision.
10. Any tonal alarms used on site should be broadband or white noise type to minimise noise impact on nearby properties.
11. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
  - (i) a) Biodiversity Gain Plan has been submitted to the planning authority, and  
b) the planning authority has approved the plan.
  - (ii) This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
  - (iii) For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan ([www.gov.uk](http://www.gov.uk)).

If the onsite habitat includes irreplaceable habitat, the Biodiversity Gain Plan must include:

- Information about steps taken or to be taken to minimise any adverse effect of the development on the habitat.
- Information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat are minimized and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

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