



Appeal Decision

Inquiry held on 17 & 18 October 2023

Site visit made on 16, 18 & 19 October 2023

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2023

Appeal Ref: APP/H2265/W/23/3321880

Land at Eccles, East and West of Bull Lane, Eccles

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Trenport Investments Ltd against Tonbridge and Malling Borough Council.
 - The application Ref TM/22/00113/OAEA, is dated 7 January 2022.
 - The development proposed is described as 'Residential development of up to 950 dwellings (to be delivered in a phased and severable manner), provision of a mixed-use local centre (including Class E, F and C3 with potential for retirement homes) provision of land to accommodate a new primary school, replacement sports pitches with changing facilities; associated green infrastructure including landscaping, public open space, allotments, sustainable urban drainage systems, biodiversity enhancements; new accesses from Bull Lane; new access and road/cycleway/footpath link to New Court Road'.
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Decision

1. The appeal is allowed and planning permission is granted for Residential development of up to 950 dwellings (to be delivered in a phased and severable manner), provision of a mixed-use local centre (including Class E, F and C3 with potential for retirement homes) provision of land to accommodate a new primary school, replacement sports pitches with changing facilities; associated green infrastructure including landscaping, public open space, allotments, sustainable urban drainage systems, biodiversity enhancements; new accesses from Bull Lane; new access and road/cycleway/footpath link to New Court Road at Land at Eccles, Eccles, ME20 7EH in accordance with the terms of the application, Ref 22/00113/OAEA, dated 19 January 2022 subject to the conditions in Annex A.

Applications for costs

2. At the Inquiry an application for costs was made by Trenport Investments Ltd against Tonbridge and Malling Borough Council. This application will be the subject of a separate decision.

Preliminary Matters

3. The Inquiry was closed in writing on 2 November 2023.
4. The application was submitted in outline, with all matters reserved for future determination except the means of access to the site. The appeal is considered on that basis.

5. The description of development I have used in my decision is taken from the statement of common ground¹ as this most accurately describes the scheme. The parties agreed this at the Inquiry.
6. The application is accompanied by an Environmental Statement² (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations), including technical appendices and a non-technical summary. I am satisfied that the totality of the information provided is sufficient to meet the requirements of Schedule 4 of the EIA Regulations and this information has been taken into account in reaching my decision.
7. The Council did not determine the application within the requisite period, resulting in the appellant exercising their right to appeal. In the period leading up to the Inquiry discussions between the parties were ongoing. This led to the Council resolving that it no longer objected to the scheme³. Having instigated the appeal the determination of the proposal remains with the Secretary of State, through myself as the appointed Inspector.
8. As the Council was no longer taking issue with the scheme the Inquiry was reduced in length as witnesses were no longer presented formally. However, I heard from the interested parties who were opposed to the scheme and witnesses for the appellant at round table sessions. I also carried out unaccompanied site visits on the afternoon of 16 October, evening of 18 October (at the request of interested parties) and followed the driving route provided by the main parties on the morning of 19 October. This was in addition to the accompanied visit on 18 October.
9. Interested parties have raised a number of concerns regarding consultation processes. I am satisfied that the appeal consultation procedure was carried out correctly. In addition to this interested parties were well represented at the Inquiry and site inspection.
10. A video was shown to the Inquiry by local residents with the agreement of the appellant team. I have taken this into account in my decision.
11. On 22 November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became 'National Landscapes'. As such references in my decision will be to the National Landscape. For the avoidance of doubt this will apply to the Kent Downs AONB which was referred to at the Inquiry, in evidence and on the site inspection.
12. The development plan is comprised of the Tonbridge and Malling Core Strategy (2007) (CS)⁴, Development Land Allocations Development Plan Document (LADPD) (2008), Managing Development and the Environment Development Plan Document (2010)⁵ (DPD) and Saved Policies from the Tonbridge and Malling Local Plan (2008 saved 2010).

¹ CD 4-5 section 2.14

² CD 1-6-1 and Appendices CD 1-6-2 to 1-6-24

³ ID 2 paragraph 9

⁴ CD 5-3

⁵ CD 5-4

Background and Main Issue

13. The appeal site is located on land which is identified in the Core Strategy⁶ as being within the countryside. Policy CP14 seeks to restrict development in the countryside. The appeal scheme would not meet any of the restrictions listed in the policy. Policy CP16 refers to an area of opportunity which is identified within the CS. There is no dispute that the appeal scheme would exceed this area⁷ and I will address this matter in further detail later.
14. Interested parties also raised concerns regarding how the Council reached its position on the appeal scheme. In opening the Council confirmed⁸ that following the resolution of outstanding highway matters that it would have granted planning permission had it been empowered to do so. In addition, there is agreement that the Council is not able to demonstrate the provision of a five year supply of deliverable housing land. It was also agreed that as a result of this the tilted balance set out in the National Planning Policy Framework (the Framework) is engaged.
15. Therefore, the main issue in the appeal is the effect of the scheme on highway safety, having particular regard to reliability and operation efficiency of the Strategic Road Network.

Reasons

Highway Safety⁹

Local Road Network¹⁰

16. The appeal proposal has been subjected to a detailed Transport Assessment (TA). In its opening submission¹¹ to the Inquiry National Highways confirmed that all matters regarding highway safety and mitigation to be implemented had been agreed. Therefore, no objection remained from National Highways, the Local Highway Authority (LHA) or the Council as Local Planning Authority. A round table session on highway matters was held as part of the Inquiry. This was for me to ask questions and seek clarification and also for me to hear from interested parties on this topic. As part of my site inspection I undertook specific routes to ensure I fully understood the local road network, including the point raised by interested parties that they consider it to be a rural road network.
17. Kent County Council (KCC) as LHA have agreed that the proposed access arrangements would provide a safe and suitable access for all. Three points of access are proposed for road users. These are a compact roundabout with New Court Road, a compact roundabout with Bull Lane, south of Eccles and a connection to Bull Lane north of Eccles. Highway mitigation has been identified as being necessary for the New Court Road/Rochester Road junction and Pilgrims Way/Rochester Road/Court Road.

⁶ CD 5-3

⁷ See image CD 6-3 page 19

⁸ ID2

⁹ CD 1-4, CD 1-5-7, 1-5-11, 1-5-12, 1-5-13, 1-5-14, 1-5-15, 1-5-16, 1-5-17, CD 2-8, 2-9, 2-10, 2-14, CD 4-7, 4-8, 4-9, 4-10, 4-11, 4-12, 4-13, 4-14, 4-15, 4-16, CD 7 -2, CD 7-3-1, CD 7-5, 7-5-1, 7-5-2, 7-5-3

¹⁰ CD 4-10

¹¹ ID3

18. The New Court Road access¹² would be compliant with the standards set out in Design Manual for Roads and Bridges (DMRB)¹³. Visibility splays for the New Court Road site access roundabout have been designed in line with DMRB guidance¹⁴ at 120m based on the existing speed limit of 40mph. A new link road (6.75m wide carriageway) would be provided including a shared footway/cycleway to provide safe connection for vehicles, pedestrians and cyclists. Overall, it would meet the required standard and lead to an improved and safe connection.
19. The compact roundabout proposed to the south of Eccles¹⁵ would provide the opportunity to reduce vehicle speeds in and out of Eccles, discourage general traffic routing through Eccles and provide a gateway entrance for Eccles and the appeal scheme. The design of this element would also be compliant with DMRB standards¹⁶. It would be within the 30m speed limit of Bull Lane, have suitable carriageway widths, appropriate lighting and appropriate visibility would be provided consistent with the existing recorded 85th percentile speeds. Overall, this would provide a safe and suitable access for all road users.
20. The plans for the northern access would include closing part of Bull Lane to traffic between Greenfield Close and the junction with Pilgrims Way/Rochester Road¹⁷. The purpose would be to discourage existing general traffic routing through Eccles, reduce speed into and out of Eccles and create a more accessible bus route via the New Court Road access. This would effectively divert Bull Lane into the development site with the existing Bull Lane (north) forming a minor arm. This access road would link through the development site connecting to New Court Road access. The design would be of an appropriate width and allow for two way bus movements. Visibility splays would be designed consistent with the existing 30 mph speed limit. This proposal would meet the applicable standard and provide suitable and safe access.
21. A number of issues were raised at the Inquiry by interested parties regarding the effects of the scheme on highway safety. In particular the Bull Lane roundabout, Pilgrims Way, width of Bull Lane, area of Court Road being closed off, parking on Cork Street, a private access within the site and the effect of the level crossing at Aylesford.
22. The Bull Lane roundabout would provide pedestrian connections between the appeal scheme either side of Bull Lane and Eccles. It would allow for the provision of a dedicated pedestrian crossing to be incorporated at a location where speeds would be lower. Overall, this would provide safe access for local journeys on foot to, from and within the appeal scheme.
23. There is local concern about the safety of the Bull Lane/Pilgrims Way/Rochester Road junction and that the route can be used as a cut through when the strategic road network is congested. It was confirmed that traffic speeds at this junction have been recorded as being above the speed limit. As such the scheme developed for mitigation¹⁸ would be aimed at slowing vehicle speeds,

¹² Shown on plan ITB9400-GA-020

¹³ CD 116

¹⁴ CD 109 & 116

¹⁵ Shown on plan ITB9400-GA-023

¹⁶ CD 116

¹⁷ Shown on drawing ITB9400-GA-021

¹⁸ CD 2-10

aiding pedestrians to cross safely and improving visibility for existing access points. This would result in an improvement to the local highway network.

24. The appellant's highway witness confirmed that there would be widening on approach to the Bull Lane roundabout. Regarding the existing 'tunnel' referred to by residents it was confirmed that this would not be impacted as it is within the existing highway carriageway. Specific concerns were raised about the changes proposed to Court Road and the presence of utilities within that area. The appellants highways witness clarified that utilities would be protected and retained where this was applicable. It was also clarified that the scheme would involve the stopping up of not the removal of carriageway.
25. The effect of the level crossing at Aylesford was raised and I was able to see its location as part of my unaccompanied site inspection. The TA considers a baseline situation for assessment of the scheme. The routes of traffic including Aylesford are noted within the TA, including the rail station, and this is included in consideration of routes south of Eccles through Aylesford. I note the concern raised; however I am satisfied that the TA has taken it into account in a proportionate manner.
26. Parking along Cork Street was discussed at the Inquiry. The appellants explained the intentions to make provision for off street parking for existing properties. I appreciate that residents are able to park on street at present and that there are nearby car parks. Nonetheless, provision of additional parking in this manner would not be harmful and the detail can be agreed at reserved matters stage. My attention was drawn to a 'private access' within the site. However, this is not proposed as part of the scheme, and I have no evidence that its presence should be a barrier to the grant of planning permission.

Strategic Road Network¹⁹

27. In terms of impacts on the strategic road network four junctions were assessed in terms of capacity. These are M2 junction 2 (including east, west roundabouts and Merralls Shaw interchange roundabout), M2 junction 3 signal roundabout, M20 junction 4 signal roundabout and M20 junction 6 (including northern Cobtree roundabout and southern Running Horse roundabout).

M2 Junction 2

28. Capacity assessments were undertaken at the three roundabouts at the junction. There was no dispute that any increase in traffic arising directly from the development would have a limited impact on the junction and as such no mitigation would be required.

M2 Junction 3

29. This junction was assessed using existing traffic signal information provided by KCC and this was supplemented with on site observations. No mitigation is proposed at this junction as the increase in traffic resulting from the development would not have a severe impact on the operation of this junction.

M2 Junction 4

¹⁹ CD 4-7, 4-8, 4-9, 4-11

30. This junction was also assessed using traffic signal information provided by KCC and this was supplemented with observations from traffic video footage. Again, no mitigation would be required at this junction as the increase associated with the appeal scheme would not have a severe impact.

M20 Junction 6

31. This is an interchange between the A229 and the M20 and local roads. Assessment of the Running Horse roundabout identified that there would be a need for mitigation on the M20 westbound off slip approach to the roundabout. As such a mitigation scheme has been developed and was presented to the Inquiry²⁰. The applicable standard for the design of this is set out in DMRB²¹. The aim of the scheme being to allow the junction to continue to operate at the level it would without the development. The agreed mitigation would be to extend the two lane length which would provide an improvement to the M20 westbound off slip. The remainder of the roundabout would not be changed. There was an issue raised regarding the stopping sight distance (SSD). The standard would normally require this to be 120m. However, in this case, given that the existing slip does not meet that standard, it has been agreed between the parties that a relaxation to 90m would be reasonable and would not lead to an unacceptable impact on road safety. I have no technical evidence that would lead me to a different conclusion and the improvements to layout would offer an overall safety improvement and maintain existing visibility.
32. At the Cobtree roundabout it has been identified that the development would increase traffic flows through the junction²². Mitigation has been identified as being necessary on the M20 eastbound off slip approach to the roundabout. The scheme²³ has been designed to conform with the DMRB. The improvements would be that the resultant impact on the road network would not be severe and there would not be an unacceptable impact on road safety.
33. Stage 1 Road Safety Audit (RSA) has been completed for these schemes²⁴. The mitigation schemes referred to are to be secured through the use of conditions. They would be off site but the works would be within land that is controlled by National Highways or the Local Highway Authority and as such conditions would be acceptable.
34. Overall, I have considered both local and strategic highway issues. The appeal scheme has been properly assessed and where necessary a need for mitigation has been identified. The mitigation schemes have been designed to meet the applicable standard and where needed RSA stage 1 undertaken. Therefore, I conclude that the development would be acceptable in highway terms. Having regard to the Framework, the development would not result in any unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It would accord with DPD Policy SQ8 and CS policy CP2 which set out that new development should be compatible with the character and capacity of the highway network, provide appropriate mitigation and should provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure.

²⁰ Drawing ITB9400-GA-046A

²¹ CD 5-29

²² Mr Hamshaw Proof 6.7.8

²³ Drawing ITB9400-GA-044

²⁴ Appendix A and Appendix B to the Transport and Highways Statement of Common Ground

Other Matters

35. Other matters were raised by residents who gave evidence at the Inquiry, attended the site inspection and asked questions of the appellants. I have carefully considered the key issues raised.

Development plan policy – area of opportunity

36. Policy CP16 identifies the Bushey Woods Area of Opportunity as an area containing land where there is potential for the provision of housing. The policy is very clear that the release of the land should be through the development of an Area Action Plan (AAP). The absence of an AAP was raised by interested parties in their written representations and at the Inquiry itself by those who spoke. The policy goes on to say that development would not be permitted in the area that might prejudice its long term development potential.
37. There is no dispute that the boundary of the appeal site and the identified Area of Opportunity are different. As such part of the scheme would be outside of the scope of CP16. There was no dispute that an AAP has not been put in place. The overall aim and purpose of the policy focuses on ensuring that the area is safeguarded for comprehensive delivery of housing in the future. This is based on a long term intention, expressed in the pre-ambles to the policy, for built development in the broad area. The wording of the actual policy seeks to resist development within the area that might prejudice its long term development potential.
38. I can understand why interested parties are concerned that the site area is not contingent with that of policy CP16 and that there is no AAP to guide development in the area. I agree that having an AAP in place would have been preferable. However, overall, I consider that the key issue is whether allowing the appeal scheme to go ahead would lead to a position that would prejudice long term development as envisaged by policy CP16.
39. The first part of CP16 refers to meeting residential needs in the post 2021 period, which the Council's evidence acknowledges was when the site was envisaged to come forward. There is no dispute that the Council cannot demonstrate an up to date five year supply of housing when measured against its objectively assessed need. In this context the appeal scheme would deliver residential development that would contribute to providing housing in the borough.
40. There are other policy requirements that the scheme is required to meet which I will also consider. However, on the point of in principle compliance with CP16 I consider that the appeal scheme would meet a residential need and it would not prejudice long term development in the area if it went ahead. As such whilst I acknowledge the lack of the AAP, I do not consider that there is a fundamental conflict with policy CP16 sufficient to refuse planning permission.

Scale of the development surrounding Eccles

41. The scheme would create 950 new dwellings comprised of a mix of housing types and sizes as well as a range of affordable homes. It would also include a mixed use local centre along with a new sports facility with pitches and a sports hub/pavilion. A new two form entry primary school would be provided to replace the existing primary school. The site would be directly adjacent to the

defined settlement of Eccles. A significant number of representations to the application and appeal centred on the fact that the amount of development proposed would be a number of dwellings that would be excessive when compared to the existing village of Eccles. This was a concern articulated by those interested parties that also addressed the Inquiry.

42. This issue is also aligned to the concerns expressed about the loss of the countryside and the effect of the scheme on the landscape character of the locality and the nearby National Landscape. Paragraph 174 (b) of the Framework sets out the need to recognise the intrinsic character and beauty of the countryside and the wider benefits associated with that. The appeal site would be outside of the settlement boundary for Eccles and as such it would be in the countryside. CS Policy CP14 refers to development in the countryside. The scheme would not fall into any of the categories in that policy. As such there would be conflict with this policy. However, this is a situation where the Council has a shortfall in housing land supply. As such I have considered the various effects arising from accepting this quantum of development, which I acknowledge would be significant in this location. I address the weighing of all the issues in my planning balance section.
43. The Design and Access Statement (DAS) identifies a variety of areas within Eccles that have specific characters and come together to form the village as it exists today²⁵. As a result the overall village exhibits a varied character with differing house typologies, density and appearance. The DAS²⁶ addresses the existing densities of the village of Eccles and identifies a range of 25-69 dwellings per hectare. The appeal scheme is supported by a density parameter plan²⁷. This shows various areas that would have ranges of densities from 28 through to 50 dwellings per hectare. This range would be appropriate when considered against the existing situation.
44. I understand that residents consider that the site should not be developed when there is previously developed land that could accommodate housing. The Framework is clear that there is a need to make effective use of land in meeting the need for homes and gives substantial weight to the use of suitable brownfield land within settlements for homes, which is not applicable to the appeal scheme. In this case the scheme would be located across a site that is acknowledged to be within the countryside and primarily agricultural fields²⁸. As such I have considered the scheme before me on its merits, taking its location into account.

Landscape Character

45. The appeal site would be in a location where landscape character varies nationally and locally. There is no dispute between the main parties that the site is not located in a valued landscape as defined in 174 (a) of the Framework.
46. The appeal scheme is supported by a comprehensive Design Code²⁹ and parameters plans³⁰. These establish a clear framework against which future

²⁵ CD 1-4 Townscape Character Areas Plan

²⁶ CD 1-4 page 12

²⁷ CD 1-5-5

²⁸ SOCG para 1.2

²⁹ CD 2-1, 2-1-1, 2-1-2, 2-1-3

³⁰ CD 1-5-3, 1-5-4, 1-5-5, 1-5-6, 1-5-7, 2-11, 2-12, 2-13, 2-14, 2-15

- submissions for reserved matters should be made and demonstrate how a scheme could be delivered across the site.
47. The submitted Landscape and Visual Impact Assessment (LVIA)³¹ makes an assessment of landscape effects and visual effects of the scheme. There is no dispute that the scheme would have an impact on the surrounding landscape. In particular it is acknowledged that where new development takes place there will be a clear change from a rural setting to a mixed suburban and rural setting. The parameters plan shows buildings being a mix of 2 to 2.5 storeys in height with some 3 storey development. There would be an inevitable change to landscape character within the site and on its periphery. There was no dispute that view points located some distance from the site would be separated by landscape and so there would not be significant effects. I have no reason to disagree.
48. Closer to the existing core of the village there would be harmful effects arising from the scheme due to the change from fields to housing. The LVIA identifies that those views close to the development where the height parameter would be at its maximum that the significance of the effect would be 'substantial-major'. This acknowledges the permanence of the change from a managed arable landscape to mainly housing. In this regard there would be limited harm in terms of character and appearance and conflict with DPD policy SQ1.
49. The three storey element is of particular concern to some residents where it would be closer to existing dwellings, with particular regard to issues of privacy. I appreciate that existing residents wish to ensure that their living conditions would not be harmed by the scheme. Policy CP24 requires all new development to respect its surroundings and the Framework seeks a high standard of amenity for existing and future users of an area. As such, whilst the details are not before me for consideration, the Council's policies would allow it to address residents' concerns through the reserved matters submissions when they come forward. The parameter plan indicates a potential for a landmark building, close to an existing residential property on Bull Lane. The Council can apply judgement on this regarding the scale and design of buildings to safeguard the living conditions of residents in Bull Lane at reserved matters stage.
50. The National Landscape of the Kent Downs Area is located to the north east of the site and is described as forming a striking range of hills. On the site inspection residents drew my attention to the views of this area from within the site and surrounds and that the appeal scheme would be visible from parts of it. There is a duty to conserve and enhance National Landscapes in order to enhance the natural beauty of the area and new development should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.
51. The appeal scheme would include increased structural planting throughout and to the north of the site, this is illustrated on the Green Infrastructure Parameter Plan. This would also include advanced planting of some of the structural planting. The submission also includes a detailed Design Code which includes specific provisions to assist in mitigating impacts on the National Landscape such as materials being chosen to help integrate built form into the landscape

³¹ CD 1-6-6, 1-6-7

in views from it. These measures would integrate the proposed development into the landscape and therefore help mitigate impacts on the local landscape and wider National Landscape. Therefore the scheme would accord with CS policy CP7 which seeks to avoid development that would be detrimental to the natural beauty and quiet enjoyment of the National Landscape and that development should have regard to local distinctiveness and landscape character.

Heritage³²

52. The appeal site has a number of heritage assets nearby. Specifically, within it is the Scheduled Monument (SM). In addition, there are listed buildings, Red Bull Public House, Little Culland Farmhouse, Eccles War Memorial and 29/31 Mackenders Lane³³ (these are designated Grade II).
53. The listed buildings referred to would be on the periphery of the appeal scheme. In this regard the scheme would not alter how these assets are experienced and consequently the significance of them would not be affected. As such the effect of the appeal scheme on them would be neutral.
54. There is acknowledgment (add SOCG ref) that the SM would be affected by the proposal. As part of the site inspection I was able to observe the SM in its surroundings and note its setting. The Framework is clear that great weight should be given to the conservation of the SM.
55. The designation of the SM includes a Romano- British villa, earlier Iron Age farmstead, Anglo Saxon cemetery and traces of medieval occupation on the banks of the River Medway. The remains survive in the form of below ground archaeological features. The recommended archaeological mitigation strategy would be preservation in situ where appropriate and viable and also by record. Conditions are recommended to manage this.
56. The development would affect the setting of the SM and it would be harmful to it because it derives much of its significance from a rural countryside setting. However, it is also acknowledged that ploughing and agricultural activity presents a risk to the asset. I understand that the appeal scheme contains proposals to introduce a buffer and planting along the margins of the SM. In addition to this there is a proposed plan for Heritage Mitigation which includes plans for long term preservation and management of the SM³⁴. This clearly sets out the method for preservation and guardianship of the SM and for management of the space. This is addressed by conditions.
57. I have taken all this into account, but my view is consistent with the Council's position, I consider that the harm to the asset would be less than substantial in terms of the Framework. However, the substantial public benefits arising from the development, the delivery of housing in particular, up to 950 homes, 30% affordable housing, publicly accessible open space, playing pitch provision and biodiversity net gain would be sufficient to outweigh the identified harm in this case. As such heritage impacts do not provide a clear reason for refusing permission. I therefore conclude that the scheme would not be in conflict with

³² CD 1-6-14, CD 1-6-15, CD 1-6-16

³³ CD 1-4 page 14 Local Designations Plan

³⁴ Page 10 CD 1-6-16 Conservation Management Plan

policies SQ1 and CP24 which seek to protect the historic and natural environment.

Impact on trees

58. There are trees on the appeal site that have been surveyed³⁵. The tree survey includes information regarding the trees and their condition. In particular figure 1 picks up the groups of protected trees and also individual trees that are protected by Tree Preservation Orders. The general condition of the trees is identified as being mainly 'B' and 'C' with three category 'A' on the western and southern site boundary. The general approach of the appeal scheme would be to incorporate significant and high value trees into the design proposals. Removal of trees would be minimised, but it is acknowledged that some removals would be required.
59. Where tree removal is suggested there has been careful consideration of the value of the trees within the wider landscape. Where removal is proposed mitigation would also be undertaken with same species being included within landscape schemes as appropriate. The DAS³⁶ makes clear that this would be an integral part of landscaping proposals which would come forward at reserved matters stage. At this stage I am satisfied that the information provided demonstrates that the quantum of development could go ahead without harm to trees. Overall, I consider that the appeal scheme would comply with the aim and purpose of policy NE4 which sets out that the extent of tree cover, and the hedgerow network should be maintained and enhanced.

Drainage

60. The drainage strategy for the site would utilise a series of basins and underground storage that would potentially connect into existing ditches and ponds within the site³⁷. The documentation has demonstrated that the scheme would maintain greenfield run off rates as a result of the planned drainage strategy.
61. I am aware that residents are particularly concerned that existing surface water flooding (which I saw in a video at the Inquiry and the location of which was pointed out to me on site) would be made significantly worse by the appeal scheme. I can understand their concerns and in particular that poor maintenance, silting up and other resultant issues could lead to dangers such as the incident with manholes given in evidence by a resident at the Inquiry. However, the technical evidence before me demonstrates that the appeal scheme would provide a controlled system to control surface water runoff. This approach would be consistent with national guidance set out in the Planning Practice Guidance (PPG).
62. In addition to this, as required by the PPG, the advice of the lead local flood authority (LLFA) was sought. They confirmed that the approach outlined in the Flood Risk Assessment and Drainage Strategy³⁸ is appropriate and demonstrates that surface water can be accommodated within the proposed development area. Conditions are proposed to secure further detail of the system and to ensure that it would be properly maintained. I therefore

³⁵ CD 1-15 Tree Survey

³⁶ CD 1-4 page 18

³⁷ CD 2-7, CD 1-6-18, ES Appendix 13.1, Flood Risk Assessment and Drainage Strategy

³⁸ CD 1-5-1, 1-6-18

conclude that the drainage scheme would not be in conflict with DPD policy CC3 and CS policy CP10 and that the issue of drainage is not a reason to resist the grant of planning permission.

63. The Inquiry heard that residents are concerned that the existing water infrastructure would not be able to cope with additional housing. Southeast Water did not object on to the proposal based on the demand arising from the proposed development³⁹. As such I have no evidence that the scheme should be resisted on this basis.

Ecology

64. The scheme was accompanied by an ecological information⁴⁰. A large proportion of the site is cultivated arable land. Habitat interest within the site area is in the form of hedgerows, ponds and grassland. Beyond the site there are ecological designations in the form of the Holborough to Burnham Marshes SSSI, Wouldham to Detling Escarpment SSSI, Eccles Old Pit Local Wildlife Site and Ancient Woodland.
65. The ecological constraints plan⁴¹ identifies all features within and outside of the site that were considered and where survey boundaries were placed. The appellant has confirmed that the whole of the appeal site has been accessed for surveying. The summary in the supplement to the ES⁴² draws all the information together on ecology.
66. Some protected species or suitable habitat were identified and the need for mitigation and/or a license from Natural England was recognised. A precautionary approach was taken where appropriate, including in respect of bats, dormice, badgers, great crested newt and reptiles, to assume their presence where appropriate for the purposes of detailed design, mitigation, management of habitat and enhancement proposals. Subject to suitable mitigation being secured by condition, the development would not result in unacceptable adverse impacts. The scheme would deliver 10% biodiversity net gain in accordance with the DEFRA Biodiversity Metric Calculator. Overall, the scheme would achieve a biodiversity net gain⁴³. For both of these provisions the detail will be addressed through any reserved matters submission, and it is important that this is dealt with by the Council. Conditions would secure appropriate strategies or ecological mitigation, design and management are proposed and necessary to make the development acceptable.
67. Therefore, the scheme would not be in conflict with DPD policies NE1, NE2 and NE3. These policies requires that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and 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, opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.

³⁹ CD 1-6-18, ES Appendix 13.1, FRA and Drainage Strategy

⁴⁰ CD 1-6-3, 1-6-34,

⁴¹ CD 1-6-34

⁴² CD 2-3-

⁴³ Shown on Biodiversity Enhancement Plan Figure 4.9 and sections 4.2.3-4.2.5 of CD 7-2

68. Concerns were raised about lighting and consequent light pollution. I made a site visit in the evening at the request of residents. The scheme was accompanied by a lighting assessment⁴⁴ which considered the worst case scenario for lighting arising from the scheme. There will be lighting from new homes and facilities. It is not necessarily the case that this would appear out of place alongside the existing settlement. In addition, conditions would be necessary to control lighting for the sports pitches and public areas. Overall, I am satisfied that there would not be an adverse effect from lighting.
69. DPD Policy OS1 seeks to safeguard existing open spaces. It aims to prevent their loss unless a replacement site is provided that would be equivalent or better in terms of quantity, quality and accessibility. The land use parameter plan⁴⁵ and green infrastructure plan⁴⁶ are clear in identifying the key areas of open space that the scheme would provide, recreation spaces and landscaping buffers. The appeal scheme is made in outline with an illustrative masterplan provided to demonstrate the sports provision that would be made within the scheme. Simply put the scheme would see existing grass playing fields replaced with all-weather pitches. A new sports hub and pavilion/changing facilities are also proposed. As such the scheme would not be in conflict with this policy as it would make an appropriate replacement provision.
70. DPD Policy OS2 refers to the provision of allotments in the same context as provision of open space. The part retention of the existing allotments is shown on the green infrastructure plan along with new provision to the north of the appeal site⁴⁷. Car and cycle parking would be provided at the existing and new allotments⁴⁸. As such the scheme would not be in conflict with this policy as it would make an appropriate provision.
71. A mixed use local centre would be provided and is shown on the masterplan⁴⁹. The uses are described as including classes E & F. as explained in the DAS, these will be finally determined at reserved matter stage. It is suggested that this could include a local food store, café/retail offices or a community/parish hall. It is reasonable to expect that the specific make up of these uses would be assessed by the Council as part of the reserved matters submission.

Conclusions on other matters raised by interested parties

72. Overall, I have considered these matters carefully and they have also been subject to detailed consideration in reports submitted as part of the planning application, which demonstrate that overall the scheme would be acceptable. In some cases, the matters raised will require consideration at the detailed design stage of the proposal as part of reserved matters submissions. There are not any fundamental issues in this regard that could not be dealt with satisfactorily at the detailed design stage or by conditions. Subject to the imposition of suitable conditions or planning obligations, I am satisfied that a suitable scheme can be achieved and that no unacceptable harm would result.

⁴⁴ CD 1-6-23

⁴⁵ CD 1-5-3

⁴⁶ CD 1-5-6

⁴⁷ Total provision of 1.34 ha as set out on page 36 of the design code

⁴⁸ Page 37 of the design code

⁴⁹ DAS page 87

Provision of Infrastructure

73. The appellant submitted a signed and dated planning obligation pursuant to S106 of the Town and Country Planning Act 1990, securing planning obligations in the event that planning permission is granted. The Council and County Council⁵⁰. provided CIL compliance statements setting out the justification for each obligation having regard to Regulation 122 of the Community Infrastructure Levy 2010 (CIL Regulations). The obligation contains a range of obligations that were agreed between the main parties by the end of the Inquiry⁵¹.

Affordable Housing

74. Policy CP17 requires the delivery of Affordable housing at a level of 40% of the number of dwellings in any scheme. The supporting text to the policy allows for consideration of how the policy is applied on a site by site basis having regard to matters such as the viability of the development. The Council also has an affordable housing protocol in place⁵² which is proposed to be used in decision making. This sets out that for a below policy amount of affordable housing to be considered that an Affordable Housing Statement and financial viability assessment should be provided⁵³.

75. The scheme is supported by a financial viability statement and the Council and appellant's viability consultants agreed that delivering 40% as required by CP17 would not be viable. Agreement was reached on provision at a level of 30% with an appropriate tenure split and mix. Therefore the scheme proposes 30% affordable housing. Whilst numerically this would be below the level set out in CP17 it has followed the Council's protocol. I have no evidence that a higher amount should be sought. As such I have taken the 30% provision into account in reaching my decision. I am satisfied that this planning obligation meets all three planning obligation tests and so is necessary. I give this obligation significant weight.

Council contributions

76. DPD Policy OS3⁵⁴ and its associated annex requires new development to include the provision of open space. Where this is not possible then contributions are sought to maintain and enhance existing open spaces (Parks and Garden Contributions). The development would directly generate additional demands for facilities which would lead to a need for improvements to existing and creation of new facilities. As the current application is in outline the final figures and requirements would be dependent on the reserved matters submission. The planning obligation is drafted to address this and an open space scheme to be submitted and agreed. This provision would therefore be necessary, relevant to the development to be permitted and would meet the tests set out in Section 122 of the CIL regulations.

77. Policy CP23 relates to the mitigation of development impacts and seeks to secure the service, transport and community infrastructure necessary to serve the scheme. In this case the NHS West Kent Clinical Commissioning Group

⁵⁰ Sent by email dated 13 October 2023, CD 4-18

⁵¹ ID18

⁵² CD 5-7

⁵³ CD 1-11, 2-17, 2-18, 2-19, 2-20

⁵⁴ CD 5-4

have sought a contribution based on the number of units that would meet the needs of the additional population arising directly from the development. In particular that these needs would be met through the expansion of the Phoenix Medical Practice and/or refurbishment/extension or provision of new premises for Watringbury Surgery. This provision would be necessary, relevant to the development to be permitted and would meet the tests set out in Section 122 of the CIL regulations.

Education Contributions & Primary School Land

78. Kent County Council is the local authority responsible for education. The impact of the scheme is set out in Appendix 2 and Appendix 2 A to their appeal statement dated⁵⁵. This sets out that the scheme would give rise to 266 additional primary school pupils from the date of full occupation and that there is a need for additional primary school places. The existing primary school cannot be expanded to meet this requirement and provide a two form entry on its current site. As such KCC supports the proposed relocation and expansion of the existing primary school to a site that will enable expansion to two form entry with potential to get to three form entry at a later date. This would require transfer of adequate land to KCC in a suitable location and condition to accommodate a school. As such in terms of primary education a contribution toward the relocation, construction and expansion of the primary school to accommodate the pupils generated by the proposed development. The location of the land is to be agreed with KCC and transferred to them. This provision would be necessary, relevant to the development to be permitted and would meet the tests set out in Section 122 of the CIL regulations.
79. The scheme would give rise to 190 additional secondary school pupils from the date of full occupation. As such a contribution is required per dwelling toward the build costs of a new secondary school secondary provision as well as a contribution toward land acquisition costs. This provision would be necessary, relevant to the development to be permitted and would meet the tests set out in Section 122 of the CIL regulations.
80. The education authority also has a SEND Strategy⁵⁶ and infrastructure in Kent is currently at capacity. As such KCC is seeking proportionate contributions from housing proposals that generate pupils. A per household contribution is sought from the scheme to mitigate the impact of this development on the provision of SEND provision in the borough. This provision would therefore be necessary, relevant to the development to be permitted and would meet the tests set out in Section 122 of the CIL regulations.
81. A site⁵⁷ would be safeguarded for the provision of a new school. The existing school site has been identified as being constrained by KCC with a need for level changes if the existing school site was to be developed. Residents expressed concerns regarding the relocation. Taking into account site constraints the evidence demonstrates that the most effective option would be to provide an expanded school would be on a new site.
82. Concerns were also raised regarding odour. In particular that relocating the school would bring it closer to a source of sewage odour. The impact of odour

⁵⁵ CD 4-18

⁵⁶ page 8 iv (b)

⁵⁷ DAS page 89

on the whole scheme, including the school, has been assessed⁵⁸. This considered the suitability of the site for development and the proposed uses having regard to the location of Aylesford Waste Water Treatment Works. This demonstrated that odour is intermittent in nature and would not be of a level significant enough to impact on the living conditions of the amenity of users of a new school within the site. I have no evidence that would lead me to a different conclusion and the scheme would not be in conflict with the Framework in so far as it seeks to 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.

Other County Contributions, Bus Service and PROW

83. KCC has sought contributions to mitigate the impact that the development would have on the delivery of community services. KCC have provided a statement regarding contributions to be secured by a planning obligation⁵⁹.
84. The LHA sought a contribution toward the provision of a Monday through Saturday bus service between the development, Maidstone Town Centre, Burham and Peter's Village. The new bus service is defined in the planning obligation and payment instalments are set out to be made to the County Council. The appellant's witness described this as a new service but that the route was to be determined by the County Council⁶⁰. Nonetheless the aim of this provision is to improve the connectivity of Eccles, the appeal scheme and offer a choice of transport. DPD Policy SQ8 sets out the need for new development proposals to demonstrate that any necessary transport infrastructure needs that arise directly from a proposal are in place or certain to be provided. This provision would thereby be necessary, relevant to the development to be permitted and would meet the tests set out in Section 122 of the CIL regulations.
85. There was significant concern raised by local residents regarding whether the requirements of the obligation would be delivered by the appellant⁶¹. In particular that problems raised about delivery associated with the Peters Village development would also occur with this development if it went ahead. The Peter's village scheme is a separate development which has been granted planning permission and largely built out. I was directed to it as part of my unaccompanied site inspection. I understand that there are concerns about the planning obligation requirements for that scheme and I am aware that the appellant is the same. However, they are not directly relevant to the appeal scheme before me which I have assessed on its merits.
86. The development will generate additional library users and additional resources are required to cope with this additional demand. The impact of the scheme on library provision in Kent is set out in Appendix 3 to CD 4-18. It is identified that there is a shortfall in provision in the borough and as such a contribution is sought to mitigate the impact of the development on these services. This would be directly relevant to the development and necessary.

⁵⁸ CD 1-8 Odour Assessment

⁵⁹ CD 4-18

⁶⁰ ID 17

⁶¹ Summarised and responded to in CD 7-1 Appendix B

87. KCC also provides community learning services and skills facilities for further education. It has been assessed that there is a shortfall in the provision for this service. To accommodate an increased demand on this service that would arise directly from the development a financial contribution is sought. This would be directly relevant to the development and necessary.
88. The planning obligation includes a public rights of way (PROW) contribution to be paid to the County Council. It has been identified as being necessary to secure monies for surface improvements to surrounding PROW in the locality. The PROW that goes across the existing site link the existing settlement with the wider countryside. The appeal scheme would directly result in additional users of the footpaths and as such the obligation would be directly relevant to the development and necessary.

Travel Plan

89. The submission of a travel plan can be addressed by condition. The Framework is clear that '*planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition*'. However, the monitoring fee should be dealt with by the obligation. In this case the requirement for the school is addressed by condition. The residential travel plan includes a fee to cover the managing and monitoring cost and the Council charge a fixed one off fee of £1422 which would be secured through the planning obligation. As such the entirety of this provision is within the obligation. This provision would be necessary to support highway safety, sustainable modes of transport together with ongoing monitoring, meeting the requirements of the relevant development plan policy CP25 which seeks appropriate transport infrastructure and tests set out in Section 122 of the CIL regulations.
90. I understand that where possible residents want to see anything secured through the obligation go to the Parish Council along with the provision of a Village Hall. The appellant confirmed in principle they did not object to these points. Nonetheless, my consideration of the planning obligations is undertaken in accordance with planning policy and the CIL regulations.
91. Overall, I am satisfied that these obligations meet all three planning obligation tests and so are necessary. The above obligations comply with Framework and CIL Regulations, and I have taken them into account in coming to my decision.

Appropriate Assessment⁶²

92. The site lies close to the St Peter's Pit SAC, North Downs Woodlands SAC, Queendown Warren SAC and Medway Estuary Marshes SPA and Ramsar site, European designated sites under the Habitats Regulations. There are also SSSI's nearby. The qualifying features of these areas include both habitats and species. As decision maker it is my duty to carry out an appropriate assessment in order to consider the impact of the proposal on those areas.
93. I have taken into account Natural England's response following submission of the ES and SHRA. It notes that a statement has been provided to inform the Habitats Regulations. It noted that the proposal has the potential to affect the interest features of European designated sites, the Medway Estuary and

⁶² CD 1-6-4

Marshes SPA and Ramsar site, North Downs Woodlands SAC and Queendown Warren SAC. The initial objection was based on the need for a HRA, this has now been provided.

94. The appellant provided information in support of this in the form of a Shadow Habitats Regulation Assessment (SHRA) as part of the Environmental Statement⁶³. This considered the development on its own and in combination with other committed developments and is to assist me as the competent authority. The SHRA was not disputed by the Council.
95. The issues that would arise from the quantum of new dwellings would be recreation pressures and changes in air quality. No alternative site has been identified within the applicant's control that could deliver the same type of development.
96. The SHRA found that the appeal site is not used by bird species associated with the SPA/Ramsar designation. This is consistent with the borough wide work undertaken as part of the local plan evidence base. This is that the habitats present within the appeal site are unlikely to provide functional connected habitats for bird species for which the SPA/Ramsar are designated.
97. The distance of the appeal site from the SPA/Ramsar site is such that residents of the development would be outside of the typical catchment area for regular visitors. The scheme would contain a significant amount of quality open space with links to the network of public rights of way in the locality. Therefore, the SHRA concludes that there are not likely to be any significant effects arising from visits from residents of the appeal scheme. I have no reason to disagree with this.
98. The changes identified to air quality are shown to be minimal⁶⁴. This is from the scheme itself and combined with other projects in the borough and neighbouring authorities. As such a conclusion of no likely significant effect is reasonable.
99. Water quality will be managed through the use of planning conditions for surface water and a Construction Environment Management Plan. As such any pollutants would be diluted before they reach the area of the SPA/Ramsar. The site would see about 45ha of land taken out of agricultural use. This would reduce phosphorus being applied to the land and consequently leaching into underlying aquifers and watercourses. As such there would be no net detriment to water quality arising from the scheme and no likely significant effect for this pathway.
100. Having regard to the available evidence, I am satisfied beyond reasonable scientific doubt that the development would not have a significant adverse effect on protected sites, subject to the proposed mitigation measures being secured.

Conditions [numbers in brackets]

101. I have considered the conditions put forward and discussed at the Inquiry. A final agreed version of these was submitted after the round table session⁶⁵.

⁶³ CD 1-6-1 to CD 1-6-25

⁶⁴ CD 1-6-4 - 8.3.10, 8.3.11

⁶⁵ ID19

The appellant confirmed agreement to pre commencement conditions in this document. I have considered the conditions against the Framework, the PPG and where necessary I have amended the wording in the interests of precision.

102. Conditions [1, 2 & 3] are required as they set the necessary time limits for submission of reserved matters and time limit. Condition [4] would control the approved drawings as this provides certainty. In the interests of the character and appearance of the area and the requirements of the Framework paras 126 and 129 condition [5] is necessary to secure the Design Code, condition [10] to secure details of site levels, details of materials [17] and boundary treatments [18]. Conditions [6,7, 8, 9, 11 & 19] are necessary in the interests of highway safety.
103. The Travel Plan provision for residential development is within the planning obligation. The specific requirements for the new school are set out in condition [12]. This would be relevant to planning and necessary to secure sustainable modes of travel.
104. DPD policy NE3 requires development proposals to manage impacts on biodiversity. Conditions [13, 14 & 15] would be necessary to ensure that the Ecological mitigation, strategy and management plans are secured and carried out. DPD policy NE4 seeks to maintain and enhance tree cover. Therefore it is reasonable and necessary to ensure that information regarding existing trees is provided and appropriate tree protection is in place [16].
105. Requirements for sustainable drainage and foul and surface water management are relevant to the development to be permitted. In accordance with DPD policy CC3 and CS policy CP10 conditions are necessary to secure relevant strategies and management [20, 21, 22 & 23].
106. In the interests of the living conditions of existing and future occupiers and the character of the area conditions [24 & 25] would be necessary and reasonable to ensure approval of the details of public lighting generally and more specifically of the sports pitch provision. In order to protect local living conditions and avoid unacceptable impacts conditions are necessary to secure a suitable scheme for collection and storage of refuse [26], details of foundation [30] and a scheme to minimise the risk of crime [31]. To protect the living conditions of future occupiers a condition is necessary to consider the relationship between noise from transport and new dwellings [35].
107. It is necessary to impose conditions requiring an archaeological scheme of investigation [32, 33 & 34] to ensure that any remains are properly recorded. In order to ensure no unacceptable future risk conditions dealing with potential contamination are also necessary [27 & 28].
108. Sports England did not object to the scheme on the basis of the replacement facilities being made available and to a suitable standard. As such a suite of conditions to secure this is relevant, reasonable and necessary for the playing pitches and sports hub [36, 37, 38, 39, 40 & 41] and the 3G AGP Pitch [42, 43, 44 & 45].
109. Condition [46] refers to the provision of the school land. It was discussed at the round table session and in particular its interaction with the planning obligation. It was explained to me that its purpose is linked to the fact that the diocese, who have an interest in the school site, are not party to the planning

obligation. The condition is intended to ensure that development does not go ahead until this matter is resolved. However, the condition effectively requires land to be given up. This would not meet the test of reasonableness set out in the in the PPG⁶⁶ and as such I have not imposed it.

Conclusion and planning balance

110. I have found that the proposed development would not have a harmful the effect on highway safety, having particular regard to reliability and operation efficiency of the Strategic Road Network. I also consider that the scheme would be in general conformity with the aim and purpose of policy CP16. In addition I have considered carefully other site specific matters and found that subject to the imposition of suitable conditions or planning obligations that a suitable scheme can be achieved and that no unacceptable harm would result. On the other side there would be conflict with CS policy CP14 due to the location of the site in the countryside and localised harm to character and appearance and therefore limited conflict with SQ1.

111. The Council and appellants agree that the Council cannot currently demonstrate a deliverable five-year housing land supply. As such it was agreed that the tilted balance set out at paragraph 11(d) of the Framework is engaged. Whilst some harm would arise as a result of the scheme, including heritage harms [para 56], localised landscape harm and conflict with policy CP14 and SQ1 these would be outweighed by the significant benefits that would arise. In particular, the development would deliver much needed market and affordable housing in an area where the need is great, public open space in excess of policy requirements, provision of a local centre, new additional bus service, additional employment durn construction and delivery of biodiversity net gain. As such the Framework is a material consideration that weighs in favour of the scheme.

112. Overall, the proposal is in accordance with the development plan, read as a whole, and planning permission should be granted. There are no material considerations in this case that indicate otherwise. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

⁶⁶ Paragraph: 005 Reference ID: 21a-005-20190723

APPEARANCES

FOR THE APPELLANT:

Rupert Warren KC instructed by Stantec

He called the following participants for the round table sessions:

Rebecca Sanders BSc MRTPI, Operating Board Director, Fabrik

Andrew Smith BSc MSc CMLI, Senior Partner, Operating Board Managing Director, Fabrik

Philip Hamshaw BA(Hons) MSc MCIHT CMILT, Partner, I-Transport LLP

Huw Edwards MSc MRTPI, Planning Director, Stantec UK Ltd

John Bosworth, Partner, Maples Teesdale

Andrew Mills, Associate Director, Stantec UK Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Asitha Ranatunga instructed by the Head of Legal Tonbridge and Malling Borough Council

He called the following participants for the round table sessions:

Iain Warner BSc (Hons) DipTP MRTPI, Senior Director, Tetlow King Planning

Jo Miles, Kent County Council

Nick Abrahams, Kent County Council

RULE 6 PARTY (National Highways):

Horatio Waller instructed by National Highways

He called the following participants for the round table sessions:

Marius Pieters Spatial Planning Manager (South East) National Highways

Jamshid Soheile, Director, Systra on behalf of National Highways

INTERESTED PARTIES:

Gayle Wallace
Malcolm Sturgeon
Michelle Watson
Derek Dean
Tracey Crouch CBE MP
Councillor Roger Gledhill
Councillor Roger Dalton
Councillor David Davis

DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	Appellant opening statement
ID2	Council opening statement
ID3	National Highways opening statement
ID4	Tracey Crouch MP (from original submission)
ID5	Malcolm Sturgeon document
ID6	Gail Wallis statement
ID7	Derek Dean statement
ID8	Cllr David Davis statement
ID9	Mrs Watson submission (2 letters and 2 photos)
ID10	Appellant clarification statement
ID11	KCC Statement of Case 21 st September 2023)
ID12	Appellant and LPA comments on Draft Conditions
ID13	Photos submitted by Cllr Davis on behalf of Mr and Mrs Watson
ID14	MS Teams chat submission (Mr Johnson)
ID15	S106 obligation
ID16	S106 obligation clarification
ID17	Appellant closing statement
ID18	Signed and dated planning obligation
ID19	Agreed list of planning conditions
ID20	Costs submission, rebuttal and final comments

Annex A: 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.
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 three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, 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.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - D3041-FAB-00-XXDR-Y-1002_P12 – Site Boundary Plan
 - D3041-FAB-00-XXDR-Y-025-Rev 09- Land Use Parameter Plan
 - D3041-FAB-00-XXDR-Y-026-Rev 09 – Building Heights Parameter Plan
 - D3041-FAB-00-XXDR-Y-027-Rev 09 – Density Parameter Plan
 - D3041-FAB-00-XXDR-Y-029-Rev 12 – Green Infrastructure Parameter Plan
 - D3041-FAB-00-XXDR-Y-028-Rev 12 – Access and Movement Parameter Plan
 - D3041-FAB-00-XX-DR-Y-069-Rev 03 – Phasing Plan
 - ITB9400-GA-019C – Site Access / Junction Improvement Overview Plan
 - ITB9400-GA-020B - Proposed Site Access with New Court Road
 - ITB9400-GA-021C - Proposed Site Access with Bull Lane and Greenfield Close
 - ITB9400-GA-022C - New Court Road/ Rochester Road Junction Improvement
 - ITB9400-GA-023B - Proposed Southern Site Access Roundabout from Bull Lane
 - ITB9400-GA-030D - Proposed Closure of Bull Lane Junction Along with Speed Remediation Measures
 - ITB9400-GA-037 - Proposed Interim Phase 1 Site Access with Bull Lane

Design Code

5. Prior to the submission of the first reserved matters application a Site Wide Design Code shall be submitted to and approved in writing by the Local Planning Authority. Such Site Wide Design Code shall be substantially in accordance with submitted Design Code D3041_R003_REVC. Each subsequent reserved matters application submitted in pursuance of this permission shall include a statement of conformity with the approved Site Wide Design Code.

Highways

6. No development in any phase comprising buildings (excluding enabling works, access routes, public realm, utilities and other associated infrastructure), hereby approved, shall be commenced on site until full details of a 'Monitor and Manage Mitigation Strategy' has been submitted to, and approved in writing by, the Local Planning Authority. The Monitor and Manage Mitigation Strategy shall provide details of an appropriate number of dwellings that can be occupied prior to the required mitigation works at the junction of Pilgrims Way / Rochester Road. This will be in the form of junction modelling with reported results. The mitigation works shall be carried out in accordance with drawing number ITB9400-GA-031 and at a time as agreed in writing by the Local Planning Authority as agreed through the Monitor and Manage Mitigation Strategy and will form part of a Section 278 Agreement, between the applicant and KCC Highways.
7. Prior to the commencement of development of any phase or sub-phase, which includes erection of buildings, details shall be submitted to and approved in writing by the Local Planning Authority showing:
 - i. vehicular and pedestrian access to that part of the development;
 - ii. engineering details of, and materials to be used in, the construction of the vehicular and pedestrian access to that part of the development; and
 - iii. swept path analyses for refuse collection, service and emergency vehicles for that part of the development.The works shall be carried out in strict accordance with the approved details.
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.

Site Levels

10. No development of any phase or sub-phase shall commence until detailed topographical plans and cross sectional drawings of the site; showing the proposed changes to the ground levels within the site in relation to the existing levels of the site and adjoining land; have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Parking

11. Prior to the commencement of any phase or sub-phase of the development which includes erection of buildings, details in accordance with the Kent Design Guide IGN3 shall be submitted to and approved in writing by the Local Planning Authority showing adequate resident and visitor parking, loading, off-loading and turning space for vehicles likely to be generated by that phase or sub-phase of the development. The approved areas of land shall be provided, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the buildings constructed within that phase or sub-phase are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

Travel Plan

12. The new school shall not be brought into use until a Travel Plan, to encourage sustainable modes of transport, 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.

Biodiversity

13. Prior to the commencement of development of any phase or sub-phase a detailed Ecological Mitigation Strategy: shall be submitted to, and approved by, the local planning authority. The plan will be based on 'Appendix 9.3 - Outline Ecological Mitigation & Management Strategy' (BioScan UK Ltd January 2022) and include the following:

- Objectives of the proposed works
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives.
- Extent and location of proposed works, including the identification of suitable receptor sites, shown on appropriate scale maps and plans;
- 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/supervise works;
- Use of protective fences, exclusion barriers and warning signs, and;
- Disposal of any wastes for implementing work.

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

14. Prior to the commencement of development of any phase or sub-phase an Ecological Design Strategy (EDS) shall be submitted to, and approved by, the local planning authority. The EDS will be based on 'Appendix 1 - Biodiversity Net Gain (BNG) Strategy' (BioScan UK Ltd January 2022) and will include the following:

- Defined conservation objectives of the proposed works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g., native species of local provenance.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Details of those responsible for implementing the works.
- Details of initial aftercare and long-term maintenance, and.
- Details for monitoring and remedial measures.

The EDS will be updated with each subsequent application, implemented in accordance with the approved details and retained in that manner thereafter.

LEMP

15. Prior to the commencement of development of any phase or sub-phase a Landscape and Ecological Management Plan (LEMP), to include, where relevant, the 15m ancient woodland buffer zone, shall be submitted to, and be approved by the local planning authority prior commencement. The content of the LEMP will include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Objectives of management.
- Appropriate management prescriptions for achieving aims and objectives.
- Prescriptions for management actions, together with a plan of management compartments.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring and remedial measures.

The LEMP will be updated with each subsequent application (if necessary) and include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Trees

16. The details submitted in pursuance of condition 1 shall be accompanied by a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Local Planning Authority shall be implemented by the approved date.

Materials

17. No development within any phase or sub-phase above ground level shall commence until details and samples of all materials to be used externally within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Boundary Treatment

18. No phase or sub-phase of the development hereby permitted shall be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved details.

Construction Traffic Management Plan

19. No development hereby permitted shall commence until a Construction Traffic Management Plan for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include details of:

- a) parking for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) measures to prevent the deposit of materials on the highway
- f) on-site turning for construction vehicles
- g) routing of construction and delivery vehicles to / from site
- h) sheeted loads for construction and delivery vehicles to / from the site

The development shall be carried out in strict accordance with the approved details.

Foul Drainage

20. Development hereby approved shall not commence for any phase of development until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a

connection to foul sewer (in a phased manner if necessary), has been submitted to and approved by the LPA in consultation with Southern Water and the LPA. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place for any phase of development until the installed scheme is confirmed as meeting the agreed specifications.

Sustainable Drainage

21. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy (Stantec dated December 2021) and shall 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.

22. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for that particular sub-phase, phase or phases, 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.

23. Where infiltration is to be used to manage the surface water from any phase or sub-phase of the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development of that phase or sub-phase shall only then be carried out in strict accordance with the approved details.

Lighting

24. No phase or sub-phase of the development above foundation level shall take place until details of any lighting to be provided within public areas of that phase or sub-phase shall have been submitted to and approved in writing by the Local Planning Authority. The development of that phase or sub-phase shall then be carried out in strict accordance with the approved lighting scheme.
25. Prior to the first use of the sports pitch, details of any light fittings/floodlights or other forms of illumination to be installed in relation to the sports pitch shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in strict accordance with such an assessment.

Refuse/Waste

26. No phase or sub-phase of the development involving the erection of buildings shall be occupied until a scheme for the collection and storage of refuse for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided in strict accordance with the approval details prior to occupation of that phase or sub-phase of the development.

Land contamination

27. No phase or sub-phase of development shall take place 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 (LPA). 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.
- The scheme shall be implemented as approved.

Verification

28. 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 to the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (2023)'. 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.
29. If, during development, contamination not previously identified is found to be present at the site then no further development 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 LPA. The remediation strategy shall be implemented as approved.

Foundations

30. No development shall take place, within any phase or part phase, until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Security

31. Prior to above ground works on any phase or sub-phase details of measures to minimise the risk of crime for the completed development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be in broad compliance with the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED). The approved measures shall be complete and operational prior to first occupation of the relevant dwelling with the approved measures retained for the lifetime of the development.

Archaeology

32. Prior to the submission of a Reserved Matters Application a Written Scheme of Investigation will be submitted to and approved in writing by the LPA setting out the details and timetables for the implementation of the following mitigation measures as set out in the Heritage Mitigation Strategy:
- i) Collation of the Detsicas excavation archive
 - ii) Site wide Archaeological Evaluation
 - iii) Scheduled Monument Conservation Management Plan
 - iv) Bronze Age Barrow Management Plan
 - v) Draft Heritage Interpretation Plan

The approved details as set out shall be carried out following the programme as set out in the Heritage Mitigation Strategy ahead of Reserved Matters in order to inform the final design and layout of each phase or sub-phase of the development and inform the scope of excavation required in Condition 33

33. Prior to the commencement of each phase of development and where field evaluation works have identified important archaeological remains that require further archaeological investigation, the applicant or their agents or successors in title will secure the implementation of a programme of archaeological excavation and recording including a programme of post excavation assessment and publication in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved by the local Planning Authority.
- No development or preliminary groundworks shall take place within that phase until the completion of the programme of archaeological excavation identified in the Written Scheme of Investigation.
 - The applicant, or their agents or successors in title, will submit a post excavation assessment report for approval by the Local Planning Authority on completion of the archaeological fieldwork and will confirm that provision has been made for analysis, publication and archive deposition.
34. Prior to occupation of each phase, the applicant, or their agents or successors in title, will secure the implementation of a Heritage Conservation and Interpretation Strategy in accordance with a Written specification and timetable that has been submitted to and approved by the Local Planning Authority.

Noise

35. Prior to the commencement of any phase or sub phase of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection to achieve the following internal noise levels:
- in living rooms between 0700 and 2300 hours
 - no greater than 35dB LAeq,16hrs, and
 - in bedrooms between 2300 and 0700 hours
 - no greater than 30dB LAeq,8hrs
 - no greater than 45dB LAFmax more than ten times per night.
- Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate an appropriate alternative means of ventilation. The scheme shall include details of acoustic protection sufficient to achieve levels of not more than 50dB LAeq,16hrs in amenity areas/gardens between 0700 and 2300 hours.
- All works that form part of the approved scheme shall be completed before any part of the development to which the approved measures relate is occupied and shall thereafter be maintained in accordance with the approved details.

Playing Pitches and Sports Hub

36.No development affecting the existing football pitches shall be commenced before two senior football pitches with ancillary change/ toilet facilities have first been completed and made available for use at the Sports Hub as shown indicatively on drawing no. FAB-00-XX-DR-Y-101.

37.The Sports Hub pitches and pavilion facilities hereby permitted shall not be constructed other than substantially in accordance with Sport England and Football Technical Design Guidance Notes.

38.No development of the Sports Hub pitches shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- 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
- 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.

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.

39.No development on the Sports hub shall commence until details of the design and layout of pitches, pavilion and all other facilities where further approval of detail is needed, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Sports Hub shall not be constructed other than in accordance with the approved details.

40.Before the Sports Hub is brought into use, a Management and Maintenance Scheme for the pitches and the pavilion including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the pitches.

41.Use of the Sports Hub shall not commence 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 playing pitches, pavilion and other ancillary facilities including car parking and include details of pricing policy,

hours of use, access by Eccles Football Club and non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

3G AGP Pitch

42. The school 3G AGP hereby permitted shall not be constructed other than substantially in accordance with Sport England and Football Technical Design Guidance Notes.
43. No development on the school 3G AGP shall commence until details of the design and layout of the pitch and any ancillary facilities where further approval of detail is needed, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England, and these details shall be accompanied by a business and usage plan. The 3G AGP shall not be constructed other than in accordance with the approved details.
44. Before the School 3G AGP is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme should include measures to ensure the replacement of the AGP within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the 3G AGP.
45. Use of the 3G AGP shall not commence 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 the 3G AGP and ancillary facilities including toilet / change and car parking and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

END

Annex B: CORE DOCUMENT LIST[Land Appeal at Eccles - OneDrive \(live.com\)](#)

DOCUMENTS LIST CORE DOCUMENTS LIST				
1. Submitted Documents & Drawings				
Ref. No	Title	Drawing No.	Prepared By	Submitted By
CD-1-1	Covering Letter		Vincent and Gorbing	The Appellant
CD-1-2	Planning Application Form		Vincent and Gorbing	The Appellant
CD-1-3	Arboricultural Impact Assessment		ACD Environmental	The Appellant
CD 1-4	Design and Access Statement	D3041_R001_REV C	Fabrik	The Appellant
CD 1-5-1	Drainage Strategy	332410567/200/SK 001	Stantec	The Appellant
CD 1-5-2	Illustrative Masterplan	D3041-FAB-00-XX-DR-Y-101-Rev17	Fabrik	The Appellant
CD 1-5-3	Parameter Plans – Land Use	D3041-FAB-00-XX-DR-Y-025- Rev08	Fabrik	The Appellant
CD 1-5-4	Parameter Plans – Building Heights	D3041-FAB-00-XX-DR-Y-026_ Rev09	Fabrik	The Appellant
CD 1-5-5	Parameter Plans – Density	D3041-FAB-00-XX-DR-Y-027_ Rev10	Fabrik	The Appellant
CD 1-5-6	Parameter Plans – Green Infrastructure	D3041-FAB-00-XX-DR-Y-029_ Rev11	Fabrik	The Appellant
CD 1-5-7	Parameter Plans – Access and Movement	D3041-FAB-00-XX-DR-Y-028_ Rev12	Fabrik	The Appellant
CD 1-5-8	Site Boundary Plan	D3041-FAB-00-XX-M2-Y-1002_P12	Fabrik	The Appellant
CD 1-5-9	Tree Protection Plan	PRI23398-01 (1)	ACD Environmental	The Appellant
CD 1-5-10	Tree Survey Plans	PRI23398-01 (5)	ACD Environmental	The Appellant
CD 1-5-11	Site Access	ITB9400-GA-019C	i-Transport	The Appellant

CD 1-5-12	Proposed Site Access with New Court Road	ITB9400-GA-020B	i-Transport	The Appellant
CD 1-5-13	Proposed Site Access with Bull Lane and Greenfield Close	ITB9400-GA-021B	i-Transport	The Appellant
CD 1-5-14	New Court Road/ Rochester Road Improvement	ITB9400-GA-022A	i-Transport	The Appellant
CD 1-5-15	Proposed Southern Site Access Roundabout from Bull Lane	ITB9400-GA-023B	i-Transport	The Appellant
CD 1-5-16	Proposed Closure of Bull Lane Junction Along with Speed Remediation Measures	ITB9400-GA-030C	i-Transport	The Appellant
CD 1-5-17	Proposed Interim Phase 1 Site Access with Bull Lane	ITB9400-GA-037	i-Transport	The Appellant
CD 1-6-1	Environmental Statement (ES)		Vincent and Goring	The Appellant
CD 1-6-2	ES Appendix: 2.1. Scoping Opinion		TMBC	The Appellant
CD 1-6-3	ES Appendix: 9.1 Ecological Baseline Info		Natural England	The Appellant
CD 1-6-4	ES Appendix: 9.2 Habitats Regulations Assessment		Bioscan	The Appellant
CD 1-6-5	ES Appendix: 9.3 Outline EMMS+BNG		Bioscan	The Appellant
CD 1-6-6	ES Appendix: 10.1 Landscape and Visual Assessment		David Jarvis Associates	The Appellant
CD 1-6-7	ES Appendix: 10.2 Landscape and Visual Assessment Addendum		David Jarvis Associates	The Appellant
CD 1-6-8	ES Appendix: 11.1 Geophysical Survey Report		GSB Prospection Ltd	The Appellant
CD 1-6-9	ES Appendix: 11.2 Cultural Heritage Desk Based Assessment		CgMs Heritage	The Appellant
CD 1-6-10	ES Appendix: 11.3 Archeological Evaluation		Archeology South-East	The Appellant

CD 1-6-11	ES Appendix: 11.4 Archeological Statement		RPS Group	The Appellant
CD 1-6-12	ES Appendix: 11.5 Archeological Evaluation Stage 2		Wessex Archeology	The Appellant
CD 1-6-13	ES Appendix: 11.6 Setting Assessment		RPS Group	The Appellant
CD 1-6-14	ES Appendix: 11.7 Built Heritage Statement		RPS Group	The Appellant
CD 1-6-15	ES Appendix: 11.8 Historic Landscape Assessment		RPS Group	The Appellant
CD 1-6-16	ES Appendix: 11.9 Heritage Mitigation Strategy		RPS Group	The Appellant
CD 1-6-17	ES Appendix: 12.1 Agricultural Land Survey		Reading Agricultural Consultants	The Appellant
CD 1-6-18	ES Appendix: 13.1 Flood Risk Assessment and Drainage Strategy		Stantec	The Appellant
CD 1-6-19	ES Appendix: 14.1 Climate Change Projections		Stantec	The Appellant
CD 1-6-20	ES Appendix: 14.2 Climate Change Figures		Stantec	The Appellant
CD 1-6-21	ES Appendix: 15.1-15.5 Noise		Resound Acoustics Ltd	The Appellant
CD 1-6-22	ES Appendix: 16.1-16.4 Air Quality		Resound Environmental Limited	The Appellant
CD 1-6-23	ES Appendix: 17.1 Lighting Assessment		Tetra Tech	The Appellant
CD 1-6-24	ES Appendix: 18.1 Phase 1 Ground Conditions Assessment		Stantec	The Appellant
CD 1-6-25	Environmental Statement Non-Technical Summary		Vincent and Gorbing	The Appellant
CD 1-6-26	Location Plan	Fig 1.1	Vincent and Gorbing	The Appellant

CD 1-6-27	Cumulative Projects	Fig 2.1	Vincent and Gorbing	The Appellant
CD-1-6-28	Local Plan Policies	Fig 5.1	Vincent and Gorbing	The Appellant
CD 1-6-29	Public Rights of Way	Fig 8.1	i-Transport	The Appellant
CD 1-6-30	Agricultural Land Classification (ALC) Plan	Fig 12.1	Reading Agricultural Consultants	The Appellant
CD 1-6-31	Contaminated Land Constraints	Fig 18.1	Stantec	The Appellant
CD 1-6-32	Geological Constraints Superficial	Fig. 18.2	Stantec	The Appellant
CD 1-6-33	Geological Constraints Bedrock	Fig 18.3	Stantec	The Appellant
CD 1-6-34	Ecological Constraints Map	Fig 9.1	Bioscan	The Appellant
CD 1-7	Health Impact Assessment		Iceni	The Appellant
CD 1-8	Odour Assessment		BWB consulting	The Appellant
CD 1-9	Outline Energy Statement			The Appellant
CD 1.10	Planning Statement		Vincent and Gorbing	The Appellant
CD 1.11	Preliminary Affordable Housing Viability Statement		Trenport	The Appellant
CD 1.12	Statement of Community Involvement		Trenport	The Appellant
CD 1.13	Transport Assessment	ITB9400-030B	i-Transport	The Appellant
CD 1.14	Travel Plan	ITB9400-031A	i-transport	The Appellant
CD 1.15	Tree Survey			The Appellant
CD 1-16	Utilities Assessment Report		Stantec	The Appellant
2. Amended and Additional Documents & Drawings sent to LPA				
Ref No.	Title	Drawing No.	Prepared By	Submitted By
CD 2-1	Design Code	D3041_R003_REV C	Fabrik	The Appellant
CD 2-1-1	Design Code	D3041_R003_REV D	Fabrik	The Appellant
CD 2-1-2	Design Code	D3041_R003_REV G	Fabrik	The Appellant

CD 2-1-3	Design Code Non-Technical Summary	D3041_R005_REV A	Fabrik	The Appellant
CD 2-2	Design and Access Statement	D3041_R001_REV D	Fabrik	The Appellant
CD 2-3-1	Environmental Statement Addendum Volume 1		Vincent and Gorbing	The Appellant
CD 2-3-2	Environmental Statement Addendum Volume 2		Vincent and Gorbing	The Appellant
CD 2-3-3	Environmental Statement Non-technical summary		Vincent and Gorbing	The Appellant
CD 2-4	Phasing Plan	D3041-FAB-00-XX-DR-Y-069-Rev03	Fabrik	The Appellant
CD 2-5	Illustrative Masterplan	D3041-FAB-00-XX-DR-Y-101_Rev20	Fabrik	The Appellant
CD 2-6	Landscape Mitigation	D3041-FAB-00-XX-DR-L-013	Fabrik	The Appellant
CD 2-7	Drainage Strategy	332410567_200_SK001_P08	Stantec	The Appellant
CD 2-8	Proposed Site Access with Bull Lane and Greenfield Close	ITB9400-GA-021C	i-Transport	The Appellant
CD 2-9	New Court Road/Rochester Road Junction Improvement	ITB9400-GA-022C	i-Transport	The Appellant
CD 2-10	Proposed Closure of Bull Lane Junction with Speed Remediation Measures	ITB9400-GA-030D	i-Transport	The Appellant
CD 2-11	Parameter Plan – Land Use	D3041-FAB-00-XX-DR-Y-025_Rev09	Fabrik	The Appellant
CD 2-12	Parameter Plan – Building Heights	D3041-FAB-00-XX-DR-Y-026_Rev09	Fabrik	The Appellant
CD 2-13	Parameter Plan – Density Parameter	D3041-FAB-00-XX-DR-Y-027_Rev09	Fabrik	The Appellant

CD 2-14	Parameter Plan – Access and Movement	D3041-FAB-00-XX-DR-Y-028_Rev12	Fabrik	The Appellant
CD 2-15	Parameter Plan – Green Infrastructure	D3041-FAB-00-XX-DR-Y-029_Rev12	Fabrik	The Appellant
CD 2-16	Planning Statement Addendum		Vincent and Gorbing	The Appellant
CD 2-16-1	PS Addendum Appendix 1		Vincent and Gorbing	The Appellant
CD 2-16-2	PS Addendum Appendix 2		Vincent and Gorbing	The Appellant
CD 2-16-3	PS Addendum Appendix 3		Vincent and Gorbing	The Appellant
CD 2-16-4	PS Addendum Appendix 4		Vincent and Gorbing	The Appellant
CD 2-16-5	PS Addendum Appendix 5		Vincent and Gorbing	The Appellant
CD 2-16-6	PS Addendum Appendix 6		Vincent and Gorbing	The Appellant
CD 2-17	BK's Review of the Applicants Viability Appraisal (November 2022)		Bruton Knowles	The Appellant
CD 2-18	Pioneer's Response to the Bruton Knowles "Review of Applicants Viability Appraisal		Pioneer	The Appellant
CD 2-19	BK's Review of Applicants Viability Appraisal (March 2023)		Bruton Knowles	The Appellant
CD 2-20	Pioneer's Position Statement: Response to the Bruton Knowles Review of Applicants Viability		Pioneer	The Appellant
CD 2-21	Transport Statement Technical Note Addendum		i-transport	The Appellant
3. Amended and Additional Documents & Drawings not seen by LPA				
Ref No.	Title	Drawing No.	Prepared by	Submitted By

None				
4. Appeal Documents and Drawings				
Ref No.	Title	Drawing No.	Prepared by	Submitted By
CD 4-1	Appeal Covering Letter		Barton Willmore now, Stantec	The Appellant
CD 4-2	Appeal Form		Barton Willmore now, Stantec	The Appellant
CD 4-3	Notification Letter to the Council		Barton Willmore now, Stantec	The Appellant
CD 4-4	Statement of Case		Barton Willmore now, Stantec	The Appellant
CD 4-5	Planning Statement of Common Ground		Barton Willmore now, Stantec	The Appellant
CD 4-6	TMBC Statement of Case		TMBC	TMBC
CD 4-7	National Highways Statement of Case		National Highways	National Highways
CD 4-8	National Highways Statement of Case Supplemental Statement		National Highways	National Highways
CD 4-9	Transport and Highways Statement of Common Ground with National Highways		i-transport	The Appellant
CD 4-10	Transport and Highways Statement of Common Ground with KCC Highways		i-transport	The Appellant
CD 4-11	Memorandum of Understanding - National Highways & i-Transport (April 2023)		National Highways	National Highways
CD 4-12	Memorandum of Understanding - National Highways & i-Transport (August 2023)		National Highways	National Highways
CD 4-13	Proposed mitigation scheme for M20 Junction 6 off-slip (eastbound) to the Cobtree roundabout (attached) – Subject to Stage 1 RSA process		i-transport	National Highways

CD 4-14	Proposed mitigation scheme for M20 Junction 6 off-slip (westbound) to the Running Horse roundabout (attached) – Subject to Stage 1 RSA process and Departure from Standards process		i-transport	National Highways
CD 4-15	National Highways’ Planning Response (NHPR) update to the Appeal Inspector and Appellant (15 August 2023)		National Highways	National Highways
CD 4-16	National Highways’ Technical Note to the Appellant (23 August 2023)		National Highways	National Highways
CD 4-17	Appeal Case Management Conference Notes (30 August 2023)		PINS	National Highways
CD 4-18	KCC Statement of Case		KCC	The Appellant

5. Planning Policy Documents

Ref No.	Title	Drawing No.	Prepared by	Submitted By
CD 5-1	National Planning Policy Framework (Sept 2023)		MHCLG	The Council
CD 5-2	National Planning Practice Guidance (2014)		MHCLG	The Council
CD 5-3	Tonbridge and Malling Borough Council Core Strategy (2007)		TMBC	The Council
CD 5-4	Tonbridge and Malling Borough Council Managing Development and the Environment DPD (2010)		TMBC	The Council
CD 5-6	Withdrawn Local Plan		TMBC	The Council
CD 5-7	Affordable Housing Protocol (2021)		TMBC	The Council
CD 5-8	Sustainability Appraisal (2018)		TMBC	The Council
CD 5-9	Sustainability Appraisal Addendum (2019)		TMBC	The Council

CD 5-10	LVIA Final		Enplan	The Council
CD 5-11	Site Selection Topic Paper (2019)		TMBC	The Council
CD 5-12	Spatial Strategy Topic Paper (2019)		TMBC	The Council
CD 5-13	National Design Guide (January 2021)		MHCLG	The Appellant
CD 5-14	National Model Design Code (January 2021)		MHCLG	The Appellant
CD 5-15	Building for a Healthy Life (2020)		Homes England	The Appellant
CD 5-16	Building with Nature Standards Framework 2.0 (2021)		Building with Nature	The Appellant
CD 5-17	Living with Beauty - Building Better (January 2020)		Building Beautiful Commission (BBBC),	The Appellant
CD 5-18	Open Space Strategy (2009)		TMBC	The Appellant
CD 5-19	Medway Gap Character Areas SPD (2012)		TMBC,	The Appellant
CD 5-20	Kent Vehicle Parking Standards (2006)		Kent County Council (KCC),	The Appellant
CD 5-21	Kent Downs AONB Design Guidance		Kent Downs AONB	The Appellant
CD 5-21-1	Landscape Design Handbook, 2005		Kent Downs AONB	The Appellant
CD 5-21-2	Rural Streets and Lanes: A Design Handbook, 2009		Kent Downs AONB	The Appellant
CD 5-21-3	Guidance on the selection and use of colour in development (2019).		Kent Downs AONB	The Appellant
CD 5-22	The Kent Design Guide		KCC	The Appellant
CD 5-23	Strategic road network and the delivery of sustainable		Department for Transport	National Highways

	development, Circular 01/2022 (23 December 2022)			
CD 5-24	Road Investment Strategy 2: 2020-2025 (March 2020)		Department for Transport and Highways England	National Highways
CD 5-25	The strategic road network – Planning for the future – A guide to working with Highways England on planning matters (September 2015)		Highways England	National Highways
CD 5-26	National Highways Licence (April 2015)		Department for Transport	National Highways
CD 5-27	Infrastructure Act (2015)		UK Government	National Highways
CD 5-28	Highways Act (1980)		UK Government	National Highways
CD 5-29	Design Manual for Roads and Bridges (DMRB): GG119 (January 2020)		Highways England	National Highways
CD 5-30	Tonbridge & Malling Borough Council Housing Land Supply Position as at 31 March 2022		TMBC	The Appellant

6. Planning Application Documents

Ref No.	Title	Drawing No.	Prepared by	Submitted By
CD 6-1	TMBC Validation Letter		TMBC	The Council
CD 6-2	EIA Scoping Opinion		TMBC	The Council
CD 6-3	TMBC Committee Report		TMBC	The Council
CD 6-4	TMBC Committee Report Appendix 1		TMBC	The Council
CD 6-5	TMBC Supplementary Committee Report		TMBC	The Council

CD 6-6	Minutes of Planning Committee		TMBC	The Council
7. Proofs and Appendices, Pre-Inquiry Submission Documents				
Ref No.	Title	Drawing No.	Prepared by	Submitted By
CD 7-1	Planning – Huw Edwards Proof of Evidence		Stantec	The Appellant
CD 7-1-1	Planning – Huw Edwards Proof of Evidence - Appendices		Stantec	The Appellant
CD 7-2	Design – Becky Sanders Proof of Evidence		Fabrik	The Appellant
CD 7-2-1	Design Appendix – Landscape Note		Fabrik	The Appellant
CD 7-3	Transport – Phil Hamshaw Proof of Evidence		i-Transport	The Appellant
CD 7-3-1	Transport – Phil Hamshaw Proof of Evidence - Appendices		i-Transport	The Appellant
CD 7-4	LPA Proof of Evidence – Iain Warner		TMBC	The Council
CD 7-5	National Highways Proof of Evidence – Nigel de Wit		National Highways	National Highways
CD 7-5-1	National Highways Proof of Evidence – Nigel de Wit – Appendix 1		National Highways	National Highways
CD 7-5-2	National Highways Proof of Evidence – Nigel de Wit – Appendix 2		National Highways	National Highways
CD 7-5-3	National Highways Proof of Evidence – Nigel de Wit – Appendix 3		National Highways	National Highways
8. Relevant Appeal Decisions				
Ref No.	Title	Drawing No.	Prepared by	Submitted By
CD 8-1	Appeal Decision (PINs Ref: APP/H2265/W/21/3279132 Development Site to the South of 1 & 2 Orwell Spike,		The Planning Inspectorate	The Appellant

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