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Statement of Common Ground on General Matters

A C Goatham & Son

and

Medway Council

Local Authority Ref: MC/19/1566

22 September 2020
Our Ref: MJB/18-01307

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1 INTRODUCTION

- 1.1 This Statement of Common Ground on General Matters represents the joint position between A C Goatham & Son (Appellant) and Medway Council (the Local Planning Authority) in respect of General Matters regarding the appeal (Local Planning Authority ref. MC/19/1566) in relation to land at Pump Lane, Lower Rainham, Kent, ME8 7TJ (the Appeal Site).
- 1.2 At this stage, it is envisaged that specific topic-based SoCGs will be produced as and when appropriate.
- 1.3 A site location plan is attached at **Appendix 1**.
- 1.4 A Core Documents List is attached at **Appendix 2**.

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2 APPEAL SITE AND SURROUNDINGS

LOCATION AND SCALE

- 2.1 The Appeal Site is made up of two farms, Pump Farm (circa 23ha) and Bloors Farm (circa 25ha) which predominantly comprises Grade 2 (79%) agricultural land, with other areas being Grade 1 (17%) and Grade 3a (4%) agricultural land. The farms are separated by Pump Lane, which runs from north to south through the Appeal Site.
- 2.2 The majority of the Appeal Site is planted orchard with limited landscaping in the form of hedges surrounding the Appeal Site and separating individual parts of the orchard.
- 2.3 The Appeal Site is part developed and includes a number of farm buildings used for storage and other uses in connection with the commercial orchard which are approaching the end of their useful life.
- 2.4 The Appeal Site does not have open public access. There is one public right of way within, a bridleway extending from Pump Lane in the West and crossing Bloors Farm in an easterly direction to Lower Bloor Lane.
- 2.5 The Appeal Site is bounded to the north-west by agricultural fields; to the north and north-east partly by houses and the B2004 Lower Rainham Road and beyond this, the Medway River Estuary; to the south by allotments and Lower Bloors Lane beyond which is Bloors Lane Community Woodland; and to the west by a railway line and residential development.

SURROUNDING CONTEXT

- 2.6 The surrounding area is characterised by a mix of suburban residential development and agricultural land. To the south of the Appeal Site, on the other side of the rail line, is the urban area of Rainham. Further to the north at the far side of Lower Rainham road are the marshes, which are a designated Country Park, within flood zone 3.
- 2.7 There are two conservation areas near to the Appeal Site: Lower Rainham Conservation Area (immediately north of Bloors Farm) and Twydall Conservation Area (west of Pump Farm).
- 2.8 There are listed buildings in proximity to the Appeal Site:
- Chapel House;
 - 497, 499 and 501 Lower Rainham Road (separate listings);
 - The Old House;
 - Bloors Place;
 - York Farmhouse;
 - Pump Farm House;
 - A range of outbuildings including Cart Lodge and Granary West of Bloors Place; and
 - Garden walls south and east of Bloors Place.

ACCESS

- 2.9 The Appeal Site straddles Pump Lane that runs north to south, between the B2004 Lower Rainham Road and Beechings Way, respectively. Additionally, the northern boundary of Pump Farm abuts Lower Rainham Road to the north.
- 2.10 Rainham train station is located approximately 2.5km south east of the Appeal Site, which is located within a reasonable walkable and cyclable distance (29 and 8 minutes, respectively). The train station

lies on the principal south east rail route. Train services are available directly to and from main terminals at London and Dover, in addition to many other locations.

- 2.11 There are several bus stops located within the vicinity of the Appeal Site. The closest is located on Beechings Way, approximately 600m south of the centre of the Appeal Site. The second is located on Lower Rainham Road which runs along the Appeal Site frontage and is accessible approximately 600m north of the Appeal Site. Regular services run to and from these stops routing through Lower Rainham and providing links to surrounding towns.
- 2.12 Existing walking and cycling facilities within the immediate vicinity of the Appeal Site are limited, especially along Pump Lane which runs through the centre of the Appeal Site.

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3 PLANNING HISTORY

3.1 There have not been any relevant applications submitted within 50m of the Appeal Site.

3.2 The relevant planning history relates to the existing development of housing around Pump Farm:

- 24 November 2003 (ref: MC/02/2397) (outline planning permission; all matters reserved including access): granted for 23 dwellings on land at Pump Farm. The approval is subject to a s106 agreement requiring a financial contribution to be made in respect of the Riverside Country Park;
- 21 March 2005 (MC/2004/2861): reserved matters approval pursuant to Condition 1 (siting, design and access) of planning permission MC/02/2397; and
- 5 December 2005 (MC/05/1113): planning permission granted for the construction of a terrace of four houses in substitution of a terrace of three houses, providing a total of 24 units (revision to application MC/02/2397 and MC/2004/2861).

3.3 Relevant Appeal Decisions include:

- Land at Gibraltar Farm (APP/A2280/W/16/3143600);
- Land at Station Road (APP/A2280/W/15/3002877);
- Land to the North of Brompton Farm Road (APP/A2280/W/18/3214163).

4 PROPOSAL

- 4.1 The Application sought: *Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for redevelopment of land off Pump Lane to include residential development comprising of approximately 1,250 residential units, a local centre, a village green, a two form entry primary school, a 60 bed extra care facility, an 80 bed care home and associated access (vehicular, pedestrian, cycle).*

SCALE AND FORM OF THE DEVELOPMENT

- 4.2 The proposed masterplan scheme is residentially led with a range of uses (community, recreational, educational and commercial) to support a new village settlement. The scheme will include up to 1,250 dwellings. The core of the new development is a village green surrounded by the development parcels. A landscape green buffer is proposed around the perimeter of the development plots and along the loop road to allow the development to blend within the natural landscape setting. The village green will be surrounded to the east and south east with new residential development, and to the north by a new local centre.
- 4.3 Access is proposed via a loop road with 'off shoot' roads that will serve the village centre and residential areas.
- 4.4 In terms of proposed building heights, the majority of the buildings across the Appeal Site will be two storeys with a 9m ridge height. Occasional two and a half storey or three storey elements would create individual 'feature' buildings at appropriate locations within the development. The village centre buildings will have a ridge height of up to 11m, and a maximum of two storeys above commercial uses at ground level and residential above. The school will be single storey, with a ridge height of up to 7m. This is detailed on the submitted building heights parameters plan.

PROPOSED HOUSING

- 4.5 The housing proposed will comprise a mix of dwelling types and sizes together with extra care and sheltered accommodation. The residential accommodation will be provided as houses in a mix of 2, 3 and 4 bedrooms, including 8 self-build plots. These will be arranged in combinations of terraces, semi-detached and detached houses. The flats proposed are those located within the local centre.
- 4.6 The mix is indicative, to be fixed at the appropriate Reserved Matters stage. However, an indicative mix and layout of the Appeal Site has been shown within the submitted planning statement, in confirmation of the deliverability of the Appeal Site and of the achievability of the proposed quantum of housing.
- 4.7 The proposed 60 beds extra care facility and the 80 beds care home further supports the mix of housing.

LANDSCAPE AND OPEN SPACE

- 4.8 Landscaping and public open space are proposed, including the village green and strategic landscape buffer zone around the Appeal Site, in addition to landscaping between individual development plots. A series of designated dog walking routes of varying distances are proposed through the Appeal Site.

MOVEMENT STRATEGY

- 4.9 The vehicle access and movement infrastructure within the Appeal Site is centred around the creation of a loop road. This will pass the primary school, loop across Pump Lane and return, allowing existing residents continued north-south access. Off shoot roads from the main loop road will serve the village centre and residential areas. The development will accommodate a network of pedestrian and cycle routes to facilitate sustainable forms of movement.
- 4.10 Vehicular connections are provided by the proposed vehicle access from Lower Rainham Road and from Beechings Way and onto Pump Lane (south). Public transport access to the Appeal Site will be via the two main vehicular access points, to the north and south of the Appeal Site.

- 4.11 Pedestrian movement through a number of connection points via a series of footpath links to the Appeal Site including from Lower Rainham Road (north), Lower Bloors Lane (east), and Lower Twydall Lane to the (west).

LOCAL CENTRE

- 4.12 The proposed local centre will comprise a strategic community hub containing a 2-form entry (2FE) primary school and up to 1000 sq. m. of commercial and community space with final uses to be subsequently determined. Residential use will also form part of the local centre with flats above commercial uses.
- 4.13 The 2FE primary school will be located close to the local centre hub area and will be readily accessible on foot or cycle from the whole of the development as well as the existing housing area located to the south of the Appeal Site.

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5 RELEVANT PLANNING POLICY AND GUIDANCE

5.1 This planning determination must be made in accordance with the relevant Development Plan unless material considerations indicate otherwise: section 38(6) of the Planning and Compulsory Purchase Act 2004.

5.2 The relevant Development Plan policies consist of 'saved' policies from the Medway Local Plan 2003.

Policies S1, S6, BNE12, BNE18, BNE25, BNE34, BNE35 BNE38, T1 and T2 have been cited in support of the reasons for refusal given by the LPA.

5.3 National planning policy and guidance are additional, important material considerations for the purposes of applying section 38(6).

THE DEVELOPMENT PLAN

5.4 Medway Local Plan (2003): Saved Policies

- Policy S1 (Urban Development)
- Policy BNE1 (General Development)
- Policy BN12 (Conservation Area)
- Policy BNE14 (Development in Conservation Areas)
- Policy BNE18 (Setting of Listed Building)
- Policy BNE21 (Archaeological Sites)
- Policy BNE24 (Air Quality)
- Policy BNE25 (Development in Countryside)
- Policy BNE34 (Areas of Local Landscape Importance)
- Policy BNE35 (International and National Nature Conservation Sites)
- Policy BNE36 (Strategic and Local Nature Conservation Sites)
- Policy BNE37 (Wildlife Habitats)
- Policy BN38 (Wildlife Corridors)
- Policy BNE39 (Protected Species)
- Policy CF2 (New Community Facilities)
- Policy T1 (Impact of Development)
- Policy T2 (Access to the Highway)
- Policy T3 (Provision for Pedestrians)

5.5 Medway Local Plan (saved) policies accepted to be 'out of date' (as a minimum):

- Policy S1 (Urban Development)
- Policy BNE25 (Development in Countryside)
- Policy BNE34 (Areas of Local Landscape Importance)

NATIONAL PLANNING POLICY AND PLANNING PRACTICE GUIDANCE

- 5.6 Relevant national policy is contained within NPPF 2019, in addition to the National Planning Practice Guidance.
- 5.7 Paragraphs 109, 170, 175-176 and 193-196 (and footnotes 53 and 63) of the NPPF 2019 have been cited in support of the reasons for refusal.
- 5.8 The NPPF applies the presumption in favour of sustainable development. NPPF paragraph 11 confirms that planning application that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are 'out of date', permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole.
- 5.9 In regards to housing applications, policies are properly considered 'out of date' where the LPA is unable to demonstrate a five years supply of deliverable housing sites or, where the HDT indicates that the delivery of housing has been substantially below (less than 75%) the housing requirement over the previous three years.
- 5.10 The Local Planning Authority's agreed five year housing land supply figure is 3.27 years (APP/A2280/W/19/3240339). The LPA discloses a House Delivery Test (HDT) 2019 outcome of 46%, meaning a shortfall of 2,350 units over the three year period (2016/17 – 2018/19).
- 5.11 For the purposes of NPPF paragraph 11(d)(i), it is not the case that the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
- 5.12 In the circumstances of this appeal, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole – NPPF paragraph 11(d)(ii).
- 5.13 Sections of the NPPF of particular relevance, include:
- Sustainability objectives: paragraph 8
 - Presumption in favour of sustainable development: paragraph 11
 - Delivering a sufficient supply of homes:
 - Paragraph 60
 - Paragraph 61
 - Paragraph 72
 - Paragraph 73
 - Building a strong, competitive economy: paragraph 83
 - Promoting Healthy Communities:
 - Paragraph 91
 - Paragraph 92
 - Paragraph 94

- Paragraph 96
- Paragraph 98
- Promoting Sustainable Transport:
 - Paragraph 102
 - Paragraph 108
 - Paragraph 109
 - Paragraph 110
 - Paragraph 111
- Making efficient use of Land:
 - Paragraph 117
 - Paragraph 120
 - Paragraph 122
 - Paragraph 123
- Achieving well designed places:
 - Paragraph 124
 - Paragraph 127
 - Paragraph 131
- Conserving and Enhancing the Natural Environment:
 - Paragraph 170
 - Paragraph 175
 - Paragraph 177
 - Paragraph 180
 - Paragraph 182
- Conserving and Enhancing the Historic Environment:
 - Paragraph 189
 - Paragraph 192
 - Paragraph 193
 - Paragraph 194
- Annex 1: Implementation:
 - Paragraph 214
 - Paragraph 215

OTHER RELEVANT GUIDANCE

5.14 Other relevant guidance which informs the appeal includes:

- Medway Guide to Developer Contributions and Obligations (2018)
- Air Quality Planning Guidance (2016)
- Kent County Council Local Transport Plan 2016 – 2031 (KCC LTP4)
- Strategic Assessment Management and Mitigation Medway Council Interim Policy Statement (November 2015).
- Medway Housing Design Standards (interim) – (November 2011)
- Medway Landscape Character Assessment (2011)
- The Kent Design Guide (2010)

5.15 All the above documents are included within the attached core documents list.

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6 **BACKGROUND TO THE APPEAL**

6.1 The application was submitted and received on 13 June 2019 and validated on 28 June 2019 with reference number MC/19/1566.

DETERMINATION OF APPLICATION

6.2 Relevant submissions / actions include:

1. Planning Presentation to Members undertaken by Rapleys on 22 July 2019 (Council meeting note attached at Appendix 3)
2. Signed PPA issued to the Local Planning Authority on 6 August 2019.
3. Response issued on 20 August 2019 to the Local Planning Authority following initial comments from Highways England (HE).
4. Meeting with the Local Planning Authority (Planning and Highways Officers) on 17 September 2019 – meeting note attached at Appendix 4.
5. Transport Technical Note 1 provided to the Local Planning Authority on 10 October 2019.
6. Consultation rebuttal documents were provided to the Local Planning Authority on 11 October 2019. This included: Heritage Note (KM Heritage), Air Quality Note (PBA) and Policy Note (Rapleys).
7. Response on Best Most Versatile land sent to the Local Planning Authority on 18 October 2019.
8. Meeting with Planning and Highways Officers on 28 October 2019 (meeting note attached at Appendix 5).
9. Response to Local Lead Flood Authority issued to the Local Planning Authority on 15 November 2019.
10. Transport Technical Note 2 issued to the Local Planning Authority on 9 January 2020.
11. Meeting held on 22 January 2020 with Planning and Highways Officers at the Local Planning Authority (meeting note attached at Appendix 6).
12. Drainage Strategy note and IHRA addendum submitted to Natural England and the Local Planning Authority on 6 February 2020.
13. Addendum Heritage Note issued to the Local Planning Authority on 12 February 2020.
14. Amended Environmental Statement submitted on 1 April 2020 including: Drainage, Transport, Air Quality and Loss of Agricultural Land rebuttals.
15. Second response to HE Issued to both the Local Planning Authority and HE on 2 April 2020.
16. Housing Supply Note issued to the Local Planning Authority on 2 April 2020.
17. Letter issued to Dave Harris (Head of Planning at Local Planning Authority) on 10 April 2020 concerning maladministration of application (Appendix 7).
18. Landscape consultant response issued to Rapleys 21 May 2020 dated December 2019.
19. Air Quality response from Environmental Health Officer issued to Rapleys 26 May 2020 dated 9 March 2020.
20. Application refused under delegated powers on 12 June 2019.

7 MATTERS AGREED BETWEEN THE PARTIES

7.1 In addition to the above information (Chapters 1-6), the parties agree the following matters:

1. Medway Local Plan (saved) policies accepted to be 'out of date' are: (a) Policy S1 (Urban Development); (b) Policy BNE25 (Development in Countryside); and (c) Policy BNE34 (Areas of Local Landscape Importance).
2. The LPA is unable to demonstrate a five years housing land supply. The LPA's latest reported housing supply is 3.27 years (Appeal Decision - APP/A2280/W/19/3240339).
3. The housing land supply shortfall is very significant. Very substantial weight should be given to this shortfall.
4. The LPA discloses a House Delivery Test (HDT) 2019 outcome of 46%, meaning a shortfall of 2,350 units over the three year period (2016/17 – 2018/19).
5. For the purposes of paragraph 11 NPPF, it is not the case that the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
6. The presumption in favour of sustainable development is engaged in the determination of whether planning permission is granted.
7. Therefore, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.
8. The benefits (as set out in the Appeal Statement) of the Proposed Development are agreed, in principle; weight being a matter for the decision taker.

8 MATTERS NOT AGREED BETWEEN THE PARTIES

8.1 The matters not presently agreed between the parties includes:

1. Impact of the Proposed Development on the Strategic Road Network.
2. Cumulative impact on the highway network in terms of overall capacity.
3. Whether the cumulative impact is likely to create a safe highway environment.
4. Adequacy of access from Pump Lane.
5. Heritage impact.
6. Landscape impact.
7. Recreation impact; ecology mitigation.
8. Significance of a loss of Best and Most Valuable agricultural land.

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9 CONDITIONS

9.1 Matters to be the subject of conditions:

- Archaeology.
- Contamination risk assessment.
- Acoustic Protection Report.
- Hours of operation for the commercial uses.
- Construction Environmental Management Plan.
- Secure by Design.

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SIGNATURES

Signed on behalf of Appellant.....

Date.....

Position.....

Signed on behalf of Local Planning Authority.....

Date.....

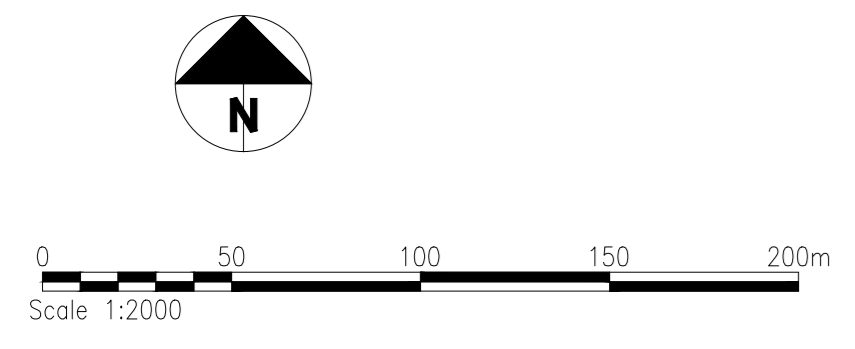
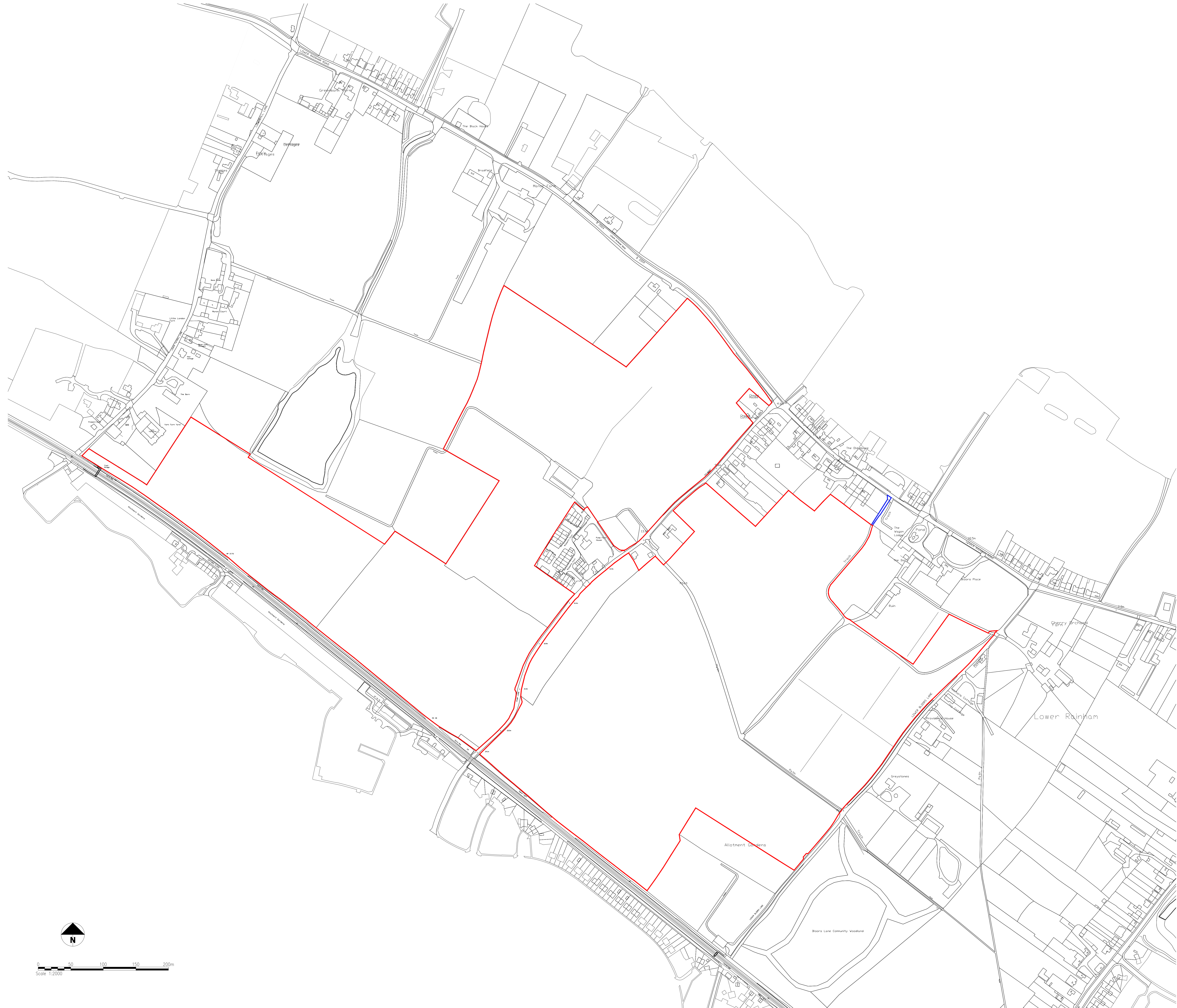
Position.....

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Appendix 1

SITE LOCATION PLAN

Revisions:	Drawn/Chkd:	Date:
A. Issued for Planning	TO/GS	17.05.2019
B. Site boundary updated	TO/GS	24.05.2019



Client:
A. C. GOATHAM & SON



Project:
PUMP FARM & BLOOR FARM
LOWER RAINHAM, KENT

24 Church St West,
Woking, Surrey,
GU24 0NF
01483 444 310
info@prc-group.com
www.prcgroup.com

Drawing Title:
Site Location Plan

Scale @ A0: 1:2000
Checked by: GS
Date: May 2019
Job No: 11047
Stage: PL 010
Rev: B

Issue Status:
 Construction
 Information
 Tender
 Preliminary
 Approval
 Approval

Architecture
Planning
Master Planning
Urban Design
Interiors
Landscape
Offices
Woking
London
Milton Keynes
Wensley

Appendix 2

CORE DOCUMENTS LIST

Appendix 2 – General Matters Statement of Common Ground – Core Documents List

CD1: The Development Plan			
Core Document Ref	Document Title	Document Reference/Details	Author
CD1.1	Medway Local Plan (saved policies)	2003	Medway Council

CD2: National Planning Policy and Guidance			
Core Document Ref	Document Title	Document Reference/Details	Author
CD2.1	National Planning Policy Framework	February 2019	Ministry of Housing, Communities & Local Government
CD2.2	Planning Practice Guidance		Ministry of Housing, Communities & Local Government

CD3: Other Relevant Policy, Guidance and Evidence Base Documents			
Core Document Ref	Document Title	Document Reference/Details	Author
CD3.1	Medway Guide to Developer Contributions and Obligations	2018	Medway Council
CD3.2	Strategic Assessment Management and Mitigation Medway Council Interim Policy Statement	2015	Medway Council
CD3.3	Medway Housing Design Standards (Interim)	2011	Medway Council
CD3.4	Medway Landscape Character Assessment	2010	Medway Council
CD3.5	The Kent Design Guide	2010	Kent County Council
CD3.6	Kent County Council Local Transport Plan	LTP4 - 2016 - 2031	Kent County Council
CD3.7	Housing Delivery Test Action Plan	2019	Medway Council
CD3.8	Authority Monitoring Report	2019	Medway Council

CD3.9	Medway Strategic Land Availability Assessment	2019	Medway Council
CD3.10	Housing Delivery Test 2019 Results – Medway Council	2019	Ministry of Housing, Communities & Local Government

CD4: Relevant Appeal Decisions/ Judgements

Core Document Ref	Document Title	Document Reference/Details	Author
CD4.1	Appeal Decision Land at Gibraltar Farm	APP/A2280/W/16/3143600 paragraphs 11 and 46-50	Inspector Zoë Hill appointed by Secretary of State for Communities and Local Government
CD4.2	Land at Station Road	APP/A2280/W/15/3002877 paragraphs 13 and 14	Inspector Chris Preston appointed by Secretary of State for Communities and Local Government
CD4.3	Land to the North of Brompton Farm Road	APP/A2280/W/18/3214163 paragraphs 56 and 105	Inspector Zoe Raygen appointed by Secretary of State for Communities and Local Government

CD5: Application Documents and Plans

Core Document Reference	Document Title	Document Reference/Details	Author
CD5.1	Completed Application Forms including Ownership and Agricultural Holdings certificates;	03 June 2019	Rapleys
CD5.2	Site Location Plan	PL 010 Rev B	PRC
CD5.3	Building Heights parameter plan	PL 004 Rev A	PRC
CD5.4	Green and Blue Infrastructure parameter plan	PL 005 Rev A	PRC

CD5.5	Land use parameter plan	PL 006 Rev A	PRC
CD5.6	Movement parameter plan	PL 007 Rev A	PRC
CD5.7	Indicative Recreation	PL 008 Rev A	PRC
CD5.8	Masterplan	PL 009 Rev B	PRC
CD5.9	Indicative Phasing Plan	PL 011 Rev A	PRC
CD5.10	Design and Access Statement	February 2019	PRC
CD5.11	Planning Statement	June 2019	Rapleys
CD5.12	Housing Report	April 2019	Rapleys
CD5.13	Information for Habitat Regulations Assessment	May 2019	Ecology Solutions Ltd
CD5.14	Statement of Community Involvement	February 2019	Your Shout
CD5.15	Utilities Assessment	March 2019	PBA Peter Brett
CD5.16	Noise and Vibration Impact Assessment);	October 2018	PBA Peter Brett
CD5.17	Flood Risk Assessment and Drainage Strategy	January 2019	PBA
CD5.18	Lower Rainham ES Main Text Chapters	31 May 2019	Rapleys
CD5.19	Lower Rainham ES Non Technical Summary	28th May 2019	Rapleys
ES Technical Appendices submitted			
CD5.20	1.1 Screening Opinion and Response	August 2018	Rapleys / Medway Council

CH5.21	1.2 Scoping Report Rainham	August 2018	Rapleys
CH5.22	1.3 Statement of Competence	May 2019	Rapleys
CH5.23	8.1 Flood Risk Assessment and Drainage Strategy	January 2019	PBA Peter Brett
CH5.24	9.1 Phase 1 Ground Condition Assessment	October 2018	PBA Peter Brett
CH5.25	10.1 Transport Assessment	March 2019	David Tucker Associates
CH5.26	10.2 Framework Travel Plan	March 2019	David Tucker Associates
CH5.27	11.1 Landscape and Visual Impact Assessment	May 2019	Lloyd Bore
CH5.28	12.1 Air Quality Impact Assessment Approach	31 May 2019	PBA Peter Brett
CH5.29	12.2 Traffic Data for AQ	31 May 2019	PBA Peter Brett
CH5.30	12.3 Future Year emissions Calculations	31 May 2019	PBA Peter Brett;
CH5.31	12.4 Model Verification;	31 May 2019	PBA Peter Brett
CH5.32	12.5 DEFRA Background Concentrations	31 May 2019	PBA Peter Brett
CH5.33	12.6 Wind Rose	31 May 2019	PBA Peter Brett
CH5.34	12.7 Predicted Pollutant Concentrations	31 May 2019	PBA Peter Brett
CH5.35	13.1 Agricultural Land Classification and Soil Resources	December 2018	Reading Agricultural Consultants

CH5.36	13.2 The Farm Business Horticulture and Agricultural Issues and Constraints	March 2019	Lambert and Foster
CH5.37	14.1 Archaeological Desk Based Assessment	January 2019	Swale Thames Survey Company
CH5.38	14.2 Pleistocene and Palaeolithic Desk Based Assessment	November 2018	University of Reading
CH5.39	14.3 Heritage Setting Assessment	May 2019	Rapleys
CH5.40	15.1 Preliminary Ecological Appraisal	31 May 2019	Ecological Planning and Research Ltd
CH5.41	15.2 Bat Activity Survey	31 May 2019	The Ecology Partnership
CH5.42	15.3 Badger Survey	31 May 2019	The Ecology Partnership
CH5.43	15.4 Breeding Bird Survey	31 May 2019	The Ecology Partnership
CH5.44	15.5 Reptile Survey	31 May 2019	The Ecology Partnership
CH5.45	15.6 GCN eDNA Letter of Report	31 May 2019	The Ecology Partnership.

CD6: Additional information submitted after Validation			
Core Document Reference	Document Title	Document Reference/Details	Author
CD6.1	Response to Highways England consultation response	20230-05	David Tucker Associates
CD6.2	Transport technical note 1	20230-08	David Tucker Associates
CD6.3	Heritage Review Note (Appendix 1 – Rapleys ES Technical Appendix 14.3)	September 2019	KM Heritage
CD6.4	Air Quality Note	Response to Comments on Air Quality by Stuart Steed, Medway Council	PBA

CD6.5	Policy Note	10 October 2019	Rapleys
CD6.6	Response on Best Most Versatile land (including appendix 1 – 6)	October 2019	Lambert & Foster
CD6.7	Transport Technical note 2	20230-09	David Tucker Associates
CD6.8	Drainage Strategy note	Ref: 44538 – January 2020	Stantec
CD6.9	IHRA addendum	Update with regards to Hydrological Matters	Ecology Solutions
CD6.10	Addendum Heritage Note	February 2020	KM Heritage
CD6.11	Amended Environmental Statement including: Drainage, Transport, Air Quality and Loss of Agricultural Land rebuttals.	30 March 2020	Rapleys
CD6.12	Highways England second response	30 April 2020	David Tucker Associates
CD6.13	Housing Supply Note	March 2020	Rapleys

CD7: Other Documents (*this does not include consultation responses*)

Core Document Reference	Document Title	Document Reference/Details	Author
CD7.1	Decision Notice	12 June 2020	Medway Council
CD7.2	Officers Report	MC/19/1566	Medway Council
CD7.3	Members presentation meeting note	22 July 2019	Medway Council
CD7.4	Planning and highways meeting with Officers - meeting note	17 September 2019	Rapleys
CD7.5	Planning and highways meeting with Officers - meeting note	28 October 2019	DTA
CD7.6	Planning and highways meeting with Officers - meeting note	22 January 2020	Rapleys

CD8: Documents submitted as part of the appeal			
Core Document Reference	Document Title	Document Reference/Details	Author
CD8.1	<p>Appellant Appeal Statement of Case:</p> <p>Appendix 1 Transport Addendum- David Tucker Associates</p> <p>Appendix 2 Farming Viability Report – E J Pelham</p> <p>Appendix 3 Correspondence with Natural England</p> <p>Appendix 4 Consolidated update Environmental Statement September 2020</p> <p>Appendix 5 Revised site Master Plan</p> <p>Appendix 6 Parameter Plans – Building Heights, Land Use, Movement and Green & Blue Infrastructure.</p> <p>Appendix 7 Indicative Recreation Plan</p> <p>Appendix 8 Planning for Growth on the Hoo Peninsula Representation – Rapleys LLP</p> <p>Appendix 9 Relevant Appeal Decisions</p> <p>Appendix 10 Planning Policy Officer’s response dated 15/07/2019</p>	22 September 2020	Rapleys
CD8.2	Draft General Matters Statement of Common Ground	22 September 2020	A C Goatham & Son and Medway Council
CD8.3	Consolidated Environmental Statement	September 2020	Rapleys
CD8.4	Supplementary Environmental Statement	September 2020	Rapleys
CD8.5	Non-Technical Summary Supplementary Environmental Statement	September 2020	Rapleys

Appendix 3

MEMBERS PRESENTATION 22/07/19 - MEETING NOTE

MINUTES FOR THE PRESENTATION
DATE: 22 July 2019
ROOM 9, GUN WHARF

Attendees

Cllr Jan Aldous
Cllr Chris Buckwell
Cllr Tashi Bhutia
Cllr Hazel Browne
Cllr Mrs Diane Chambers
Cllr Rodney Chambers
Cllr Simon Curry
Cllr Gary Etheridge
Cllr Sylvia Griffin
Cllr Adrian Gulvin
Cllr Stephen Hubbard
Cllr Clive Johnson
Cllr Barry Kemp
Cllr Dan McDonald
Cllr Martin Potter
Cllr Adam Price
Cllr Chrissy Stamp
Cllr Richard Thorne
Cllr Rupert Turpin

Council Officers

Tim Chapman
Robert Neave

PRESENTATION BY: Rapleys

MINUTES TAKEN BY: Dawn Adamson

Site consists of two farms, Pump Farm and Bloors Farm

Existing private agricultural land used as commercial fruit orchard.

Outline application with access (Pedestrian and Vehicular) to provide

Up to 1,250 homes

Local Centre

Village Green

2FE Primary School

60 extra care facility and 80 bed care home

1

Cllr Potter - In terms of highways can you go into a bit more detail whether the local road network will take the capacity from this development?

A: Detailed explanation given by transport consultant, advised they met with Medway at pre-app stage, went through methodology which is traditional, went through likely destinations, mode, travel at different times. Looked at 9 junctions some A2, some local and some Lower Rainham Rd, again done in very traditional way, industry standard model.

Internal network to site going in a crescent shape, cuts across bottom of Pump Lane.

Cllr Potter - The 9 junctions you identified for improvements what do you propose to do with them

A: The Boors Lane junction with the A2 there is an extra eastbound lane. In simple terms the more lanes you have at a junction as long as you use them intelligently, more lane means more traffic through the junction. Again with the junction at the Grange roundabout there is a second lane.

Cllr Potter I just do not see how a few tweaks on Bloors Lane and Grange Road roundabout is going to solve the problem.

A: In terms of 1250 houses, there's a common misconception that they will all have two cars, they will all go out between 7-8 or 8-9 in the morning, it just doesn't work like that. We work from industry standard databases of sites. You will get about 500 extra trips coming out or going into site that 500 will spread.

Cllr Potter – Environmental impact, no mention of conservation areas.

A: The site isn't in the conservation area, it is adjacent to the conservation area. The planting and buffers round the edge of the site will be retained.

Cllr Kemp - You said around 9 junctions round the A2

A: No, 9 junctions in the area.

Cllr Kemp – One access going to the Lower Rainham Road, and one access going to Beechings Way, which is presumably on Pump Lane, so you have got a very narrow road and you have an even narrower bridge, even 500 and split between those two, that's an awful lot of traffic and will have an awful lot of congestion there because those roads are not particularly that wide. Not designed for this kind of traffic.

A: Pump Lane to the south at the moment is an unrestricted route under the bridge, the intention is to put a traffic signal so that it would work as a single lane working. The junction between Pump Lane and Beechings Way is getting a little bit marginal and is not included in the TA.

Cllr Kemp – Where will all this traffic go once it gets to Beechings Way

A: It splits over a number of different routes.

<p>2</p>	<p>Cllr Etheridge – Can you tell me what the split is between 2,3 and 4 bedroom please</p> <p>A: Because it is an outline application we haven't got all those details yet. That is something that will evolve at the reserved matters stage.</p> <p>Cllr Etheridge – In terms of the school, are you actually providing the school or just land for the school to be built.</p> <p>A: The plan is to provide the school</p> <p>Cllr Etheridge – And the same for the health centre</p> <p>A: Yes</p> <p>Cllr Etheridge - And in terms of the road network itself, can you ensure when it gets to the details stage that roads are wide enough to allow cars to pass, and access for Fire, Ambulance and service vehicles</p> <p>A: The main artery of roads there is no intention for them to be used for parking for residents, each of the residential areas will have parking available.</p> <p>Cllr Etheridge – and finally in terms of green spaces who will be responsible for maintaining them</p> <p>A: The view at this stage is that it would be a management company.</p>
<p>4</p>	<p>Cllr Gulvin – Convince me that this is a sustainable development.</p> <p>A: We are not trying to make a shopping destination, we are not trying to make a supermarket, we are trying to provide a heart to the area, that could include local shops to a certain degree, could include hairdressers and could include a doctors surgery.at this stage we are leaving it as flexible with a range of uses depending on what is needed, what the desire is. Making it so people can walk there.</p> <p>Cllr Gulvin – How is it sustainable</p> <p>A: Well it's sustainable in terms of those facilities, we cover in the application the linkage to transport to wider facilities. As it is an outline application we haven't got the details.</p>
<p>5</p>	<p>Cllr Curry – in terms of the school, how big do you expect the school to be ,I mean pupils</p> <p>A:It has been identified as a 2FE</p>

	<p>Cllr Curry – You’ll have huge amount of traffic, you have traffic coming in to drop their children off and staff coming in and leaving, how does that work with what we have just heard.</p> <p>A: The development will accommodate 420 children, 350 of whom will be from within the site, with 70 coming in from offsite and this has been specifically allowed for in the TA. We have appraised it, whether you agree with the appraisal is another matter.</p> <p>Cllr Curry –You mentioned the environmental impact, none, is that what you said. Has EIA been carried out? And those reports do not show any environmental impact on the surrounding areas at all.</p> <p>A: No, if I gave that impression I apologise, I was talking about boundary vegetation. All of that has been submitted, it is an EIA scheme, it has had to be fully assessed. They have looked at the ecology of the site itself, the ecology is round the boundaries rather than the centre. They have looked at air pollution. The mud flats has been accessed at part too. In conjunction with Natura England, they are expecting some impact but nothing of significance.</p>
<p>6</p>	<p>Cllr Hubbard – I would have liked to have seen something that is sustainable, which is employment, have you considered that and if no why not.</p> <p>A: We haven’t considered putting lots of employment in, the answer to your point is that that the assumption is if you put employment adjacent to housing that those houses will go and work in those offices. That is very rarely the case, they will continue to work elsewhere and people from outside take the jobs in that area. Statistics are that 60% of people in this area, work in Medway.</p>
<p>7</p>	<p>Cllr Browne – My question is to Gotham’s , would the company who says their values are about natural balance and sustainability - is there a possibility that you will junk this whole idea back to something that would actually leave a positive legacy by your employers going forward, so that there is sustainability. If your people think that sustainability matters and we have now got an ecological crisis in this country and worldwide, surely concreting over greenspace is not the first answer to that. Is there any chance you could have a re-decision on this so you could work with professionals, the council and other interested parties and come up with a better idea other than sticking 1250 houses and a few buildings where we are not sure how big they will be, or who they are going to benefit.</p> <p>A: As far as I am aware the evaluation assessments have been done with the best use of site from a commercial prospective.</p>

	<p>Cllr Browne I wasn't asking you to continue running it as an orchard , perhaps just selling some of it off and have some very luxurious or smaller housing or something like the millennium development which is sustainable.</p> <p>TC If I can just point out this is a live application and we are duty bound to assess what is in front of us, though I am happy for alternatives to be discussed can we focus on the application we have got.</p> <p>Cllr Brown – My question is could it not be re-drawn to be a sustainable development, the only people that can answer that are the people that own it.</p> <p>A – I think that the application has been done and looked at from a sustainable perspective.</p> <p>A – I think the answer is that this is the application before you, it is housing and it is on green land.</p>
<p>8</p>	<p>Cllr Turpin – What plans for social housing element, sustainability, cycle routes, solar panels, electric car charging.</p> <p>A: 25% affordable housing is what is proposed for, type of housing to be negotiated at detail stage. In terms of the points you make, we would expect to have to deal with charging points, but again we haven't designed the houses at this stage.</p>
<p>9</p>	<p>Cllr McDonald – I am on the planning committee and I understand level of detail, we are only here to look at the level of detail, to judge on that detail but the details is minimal. So I have got to say and I am going to ask a question, but those at the exhibition got more details than we have got here tonight, it just really disappointing.</p> <p>I was going to ask you if you don't mind and maybe one of your colleagues can answer, you were showing residents, the brick type, what the bricks looked like on the house, you were showing them all these different and wonderful diagrams, we haven't seen any of that tonight. Planning presentations should be a two sided thing, it's really beneficial to get loads of comments about transport, the transport is a very serious issue, it's supposed to be a two way process and for some reason I just feel it's been wasted tonight, because we've come here tonight to really look at what you're putting forward, a live application which is what we're here to do With minimal detail, minimal detail so the question I was going to ask you Is the stuff you were showing the resident's on Friday and Saturday, the brick types, I walked around it made no judgement, was that just maybe what we might be doing, I am just a little bit concerned because I am thinking all that detail that was shown to residents but not shown to us here tonight, where's the difference here.</p>

	<p>A: Those banners shown at the exhibition are at the back there for you. Everything that we have put on the banners is indicative, very much indicative at the moment I take your comments regarding the presentation and thank you for that. If there is anything that we haven't got tonight, all that we displayed at the exhibition is at the back.</p> <p>Cllr Stamp – We are not seeing enough here for us to give you some really good constructive comments, or maybe you don't want that.</p> <p>A: well we are here to get feedback, we've had lots of feedback, but I haven't shown you , there's a slide at the back showing houses, illustrative Houses, I haven't shown you that tonight because they are not there yet with their design.</p> <p>TC - Can we move on as conscious of the time.</p>
<p>10</p>	<p>Cllr Aldous – My concern is air pollution, if you come up Bloors Lane onto the A2, you've already got a problem, and you're saying you're going to put even more cars (inaudible), which will make even more air pollution, I would like to know how you are investigating that.</p> <p>Have you any figures</p> <p>A As I say there was a full air pollution, air quality, all figures are in the EIA as part of the application. We were asked to do additional assessments on further wider sites, full impact on what proposals are going to be. Clearly there will be additional cars and it is part of the balance that has been assessed.</p>
<p>11</p>	<p>Cllr Chambers – I think you made a comment at the beginning that you were coming forward with this development to assist with the council with the local plan. This site is not designated even in the 2003 local plan for development, and the draft local plan is shortly to be published, why are coming in now, why are you not waiting until the local plan is published and then you will know whether the land is designated or not.</p> <p>A: I apologise if that is what I said, what I meant was that it would assist with the housing numbers, we could have quite a long debate about the housing numbers that you need, local plan and five year supply issues. Again we have assessed it in significant detail, our view is that as an authority that you don't have a five year supply and with the local plan as it is at the moment you fall short of that and you need additional sites, that will be something that comes out further.</p>
<p>12</p>	<p>Cllr Mrs Chambers – So why are you not waiting until the local plan is published.</p>

A: Because the local plan has been delayed, there has been various issues, in our view it will not get to a position where you can fulfil it all with the allocations you've made, so you will require additional sites.

Cllr Mrs Chambers – Can I just ask the representative of the applicant, because their strapline is we are growing here and that's exactly what this land does, it grows food, so why, what is the rationale.

A: The site constrains us in terms of actually being able to produce fruit in a way that is commercially viable

Cllr Mrs Chambers – But this land could be replanted in way that you prefer to grow fruit.

A: We've put our pear production onto Flanders farm because of the issues we are having with destruction because of the motorcycling for example.

A: we are experiencing ongoing issues regarding trespasses and people on motorcycles. We are working with Medway Council and the police. We will provide details to the members including Cllr Potter

TC We will have to wrap it up now as there is another meeting due

Tim Chapman closed the presentation at 7 05pm

Appendix 4

**PLANNING AND HIGHWAYS
MEETING WITH OFFICERS
17/09/19 - MEETING NOTE**

LOWER RAINHAM MEETING NOTE

Application Ref: MC/19/1566

17/09/2019

ATTENDANCE

Hannah Gunner - Medway
Rob Neave - Medway - Part
Simon Tucker - DTA - Part
Duncan Parr - Rapleys
Michael Birch - Rapleys

HIGHWAYS

Rob outlined that the draft response may be updated following review from Michael Edwards on his return from leave next week w/c 23rd September.

Nevertheless the below matters were discussed:

Care home - DTA outlined they have re-run TRICS to exclude edge of town centre and suburban. However, given the modest change it was agreed by all to retain the assumptions within the submitted TA.

Education - Rob outlined that he believes the figure of 41% of external trips to the school will be by car is far too small and it will be a lot closer to 100% considering the surrounding road network and distances that will be required. As such, should Paul Clarke agree with the assumption that 70 children will attend the school from external homes (not included within the development) it was agreed that DTA would update the report to include the worst case scenario that all children will be driven to school - DTA/Medway to chase Paul for agreement.

Commercial areas - Rob outlined that more certainty is required on what is included within the village centre as different types of uses evidently have different traffic impacts. It was agreed that maximum unit sizes could be introduced to provide more certainty. Likewise, it was agreed that local examples would be reviewed to also provide further comfort for officers. Land east of Horn Dean in East Hampshire was outlined as a possible good example. Rapleys and DTA to liaise.

Distribution - considering the above commercial elements Rob required further information in regards to the outlined 30% of trips will be for leisure uses (why 30% was used and why leisure?). Case studies discussed above should also be reviewed for these figures.

External distributions - more information is required on the model used and also the 'sense checking'?

Wider junction assessment / traffic counts required along Lower Rainham Road. Possible locations outlined:

- Bloors Lane, Three Mariner and Yokosuka Way.

Rob outlined Medway have commissioned their own assessment/model which will be completed shortly. Once finalised this will be provided to the applicant to review further turning counts and assessments at junctions.

Rob outlined additional commentary is required on the mitigation measure at Yokosuka Way and Lower Rainham road junction re. increasing the flare lane.

Access Design. RB confirmed he was generally comfortable with the principles subject to the RSA. ST confirmed that was in hand and will be included with appropriate design office response in the first technical note (T1).

T1 note to include - Trip Generation, Distribution, RSA, Mitigation (flare lane)

WIDER PLANNING COMMENTARY

Rapleys advised they are likely to have updates to provide to the officer on Agricultural Land and Historic environment next week.

Drainage information likely to be issued late October (albeit Southern Testing emails since the meeting means this may be issued later)

Archaeology - Rapleys outlined that trenching is not practical considering the current operation and in any event, the level of trenching that could be done would not be appropriate / representable. It would be more appropriate to request this following outline permission and with each phase as they came forward. This will also still allow for appropriate flexibility. Hannah Gunner agreed that the masterplan had sufficient flexibility and would speak with Ben Found at KKC Archaeology to discuss.

Hannah Gunner discussed S106 figures and outlined she will seek further information from the consultees as to how they got to the final figures. Rapleys questioned how the open space contribution requested will work with Natural England comments re. recreation space - officer will request further info on this matter and revert back to Rapleys.

Officer chasing landscaping, trees and wildlife comments.

Officer to pass comments in regards to Ecology, Air Quality, Peoples Trust, LLFA, NHS and Policy.

In regards to NHS, the officer outlined that they have requested a 2 consultancy room doctors.

Further meeting agreed for the 16th October 2019.

In all likelihood planning committee in the New Year.

Considering the above, target presentation to members in December 2019.

Officer and Rapleys agreed to produce Heads of terms before going to committee.

Rapleys to issue letters of support to the planning officer for inclusion on the planning register

Appendix 5

**PLANNING AND HIGHWAYS
MEETING WITH OFFICERS
28/10/19 - MEETING NOTE**

Meeting Note – Pump Farm, Lower Rainham

28th October 2019

Attendees:

Hannah Gunner – Medway Council

Robert Neave – Medway Council

Simon Tucker/ Jacqueline Aggiss – DTA

Duncan Parr/ Henry Asson - Rapleys

Meeting set up to discuss position in respect of consultee comments, notably highway comments, on the above application.

1. There was a general discussion in respect of planning matters, consultee comments and third party comments.
2. Comments received from Network Rail requesting a review of additional rail passengers and car parking provision. RN will review position in respect of multi-storey car park proposals internally, although he was not aware there were any firm plans. DTA will respond to the comments in respect of rail travel.
3. RN had reviewed DTA Technical Note 1 (17th October 2019). It was requested all external pupil trips for the primary school would travel by car. DTA agreed to revise accordingly. Comments were raised in respect of the TRICS output and maximum housing numbers. DTA will review.
4. RN asked for additional junction counts to the east of the site. DTA will commission these.
5. In respect of committed development DTA confirmed that has been included in the 2029 base scenario. [post meeting RN confirmed his requirements]
6. All other aspects of the note were agreed.
7. RN confirmed the Medway model work was ongoing and would be available mid-November.
8. DTA confirmed there would be no impact from peak hour revisions to the traffic figures in respect of the air quality assessment.
9. HG confirmed the application was likely to go to the February committee.
10. It was agreed a further meeting be held at the end of the w/c 25th November to update on progress.

Next Steps **DTA to provide response to Network Rail**

DTA to prepare updated note confirming education trips and overall trip generation in advance of re-running junction models

RN to review car parking plans at Rainham station

RN to provide results of the Medway model when available

Appendix 6

**PLANNING AND HIGHWAYS
MEETING WITH OFFICERS
22/01/20 - MEETING NOTE**

LOWER RAINHAM MEETING NOTE APP REF: MC/19/1566

22.01.2020

Attendance	
Hannah Gunner (HG)	Medway - Planning Officer
Rob Neave (RN)	Medway - Highways Officer
Nick Brandreth (NB)	Lambert & Foster - Surveyor
Simon Tucker (ST)	DTA - Highways Consultant
Jacqueline Aggiss (JA)	DTA - Highways Consultant
Duncan Parr (DP)	Rapleys - Planning Consultant
Michael Birch (MB)	Rapleys - Planning Consultant

Highways

HG explained a report had been prepared by an external consultant in respect of third party comments. A committee date in April was discussed, depending on resolving the outstanding matters.

DTA asked for clarification of the outstanding points following the previous meeting. These were confirmation of the trip generation and the use of the sites in TRICS.

RN confirmed the use of the TRICS sites is accepted, subject to a check on the rates removing bungalow sites. DTA to remove and re-issue.

RN had concern with overall trip generation in comparison to the modelling work undertaken by Sweco on behalf of Medway. RN to confirm brief provided to Sweco for modelling.

DTA explained the work is based on an agreed methodology and provided in considerable detail within the TA. Subject to two outstanding points (now resolved - education and bungalows), this has been agreed throughout the process. The Sweco modelling showed significantly higher person trip rates with no explanation of how the figures had been derived. DTA requested further detail in this regard. RN to provide methodology for trip generation forecasts, traffic distribution and future growth projections input to Sweco modelling.

The model is made up of 7 subnetworks. 3 of the networks have been presented (2, 3 and 7). DTA asked for clarification that the tested networks are those that Medway consider are impacted by the development. RN confirmed this was the case and the other subnetworks (1, 4, 5 and 6) do not experience significant impact and are therefore not included in the model output. Medway confirmed they do not require any assessment on the wider network.

DTA asked for the results of subnetwork 1 (trunk road) to assist in responding to Highways England. RN to provide modelling results for subnetwork 1.

DTA queried the title of the modelling report which reads 'Sensitivity Tests 1, 2 and 3'. RN confirmed there is only 1 test and that is in fact the development test. DTA requested the title be amended accordingly as the run is not a sensitivity test. RN to confirm Sensitivity tests 2 and 3 do not relate to this application site and that Sensitivity Test 1 is in fact the development test.

DTA queried the level of forecast development traffic on Lower Rainham Road which appeared incorrect. RN will seek further explanation of methodology from Sweco.

RN requested mitigation (Nil detriment) at the relevant junctions identified in the modelling report. These are set out in DTA Technical Note 3. RN to review to junctions highlighted in Technical Note 3 and confirm these are the only junction that require assessment. RN to confirm if modelling on additional junctions are necessary.

RN will provide traffic flows for each of the junctions from the Sweco model.

DTA will then review and provide comment on need for and extent of mitigation.

There are currently 5 junctions which require improvements, RN noted, if these all could illustrate 'nil effect' then it would be difficult to justify an objection. However, there may be a balancing exercise if some junctions could show improvements while others a negative effect.

RN to discuss internally re. S106 contribution against s278 works. DTA outlined that pooling money will allow the authority to direct work where necessary when considering not only the application site but other developments within the authority.

Comments received from Network Rail requesting a review of additional rail passengers and car parking provision. DTA will review forecast rail passengers for the AM peak period (06:00-09:00). DTA will respond to Network Rail comments.

It was agreed a further meeting be held in 3-4 weeks for a progress update.

Planning

HG noted that further consultation responses have been received from Historic England, Conservation Officer and Rural Planning and she would provide these to Rapleys in due course.

HG noted that informal landscape comments have been received which indicate an objection, albeit she is waiting for formal comments before sending to Rapleys.

HG outlined she would chase to understand the comments from leisure/recreation and Natural England to understand the contributions sought.

HG will liaise with NHS to understand their position regarding possible doctors on site. However, in principle DP outlined there is no issue in providing this.

It was agreed by all that an April committee was a sensible target.

Appendix 7

**LETTER ISSUED TO DAVE
HARRIS (HEAD OF PLANNING)
10/04/20**

Our Ref: DNP/18-01307

10 April 2020

D. Harris Esq.
Head of Planning
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LONDON
BIRMINGHAM
BRISTOL
CAMBRIDGE
EDINBURGH
HUNTINGDON
MANCHESTER

Dear Mr. Harris

Urgent

Re: Lower Rainham Pump Farm; Planning Application reference: MC/19/1566

As the appointed planning consultant, we, together with our client, write to you on behalf of Medway Council to express our significant disappointment regarding the Council's plain failure to progress and determine planning application ref. MC/19/1566 within any appropriate timescale. The application was submitted in June 2019.

Our client of course entered into a Planning Performance Agreement (PPA) with the Council and made an initial payment of £10,000 in order precisely to ensure that a sufficient staffing resource is properly allocated to allow for timely determination. The PPA programme indicated a decision would be issued by end 2019.

Given the circumstances of the (very significant) delay in determining the application, the Council's department, for which you are responsible, has unarguably failed to meet both its general obligations as local planning authority together with the clear requirements under the PPA to deliver up the prompt and effective (post-validation) administration and determination of the application.

It is separately well apparent that the appointed case officer, Mrs. H. Gunner, has failed to afford the application any adequate or prompt attention. Many complaints may be made in this regard (and may amply be particularised at later date, if this becomes necessary), but not least, multiple (internal and external) consultees responses have obviously not been followed up by her in any timely or efficient manner. Even now, inexplicably, some remain outstanding.

It has also been the case during in person meetings which have been held with Mrs. Gunner, that hard copy consultation responses have inexcusably been passed to us, for the very first time, notwithstanding they are shown to be dated weeks, and even months, old. There is and can be no justification for this unprofessionalism, which has also frustrated the proper administration and determination of the application. This behaviour has obviously attributed much further delay, which has been entirely unnecessary but repeated.

You are kindly referred to the emails referenced below which clearly demonstrate that we have regrettably had to chase, continually, for basic feedback and meaningful progress.

Emails regarding general matters:

- i. Email dated 27/08/19: Duncan Parr to Hannah Gunner – Rainham - Highways response/ consultation review meeting
- ii. 18/09/19: Parr to Gunner - MC/19/1566 - Pump Lane
- iii. 23/09/2019: Michael Birch to Gunner - MC/19/1566 - Pump Lane
- iv. 27/09/19: Birch to Gunner - MC/19/1566 - Pump Lane
- v. 11/10/19: Michael Birch to Gunner - Lower Rainham MC/19/1566 - Consultation rebuttal
- vi. 01/11/2019: Parr to Gunner – Lower Rainham
- vii. 14/11/2019: Birch to Gunner – MC/19/1566 - Lower Rainham
- viii. 18/11/2019: Birch to Gunner - MC/19/1566 - Lower Rainham
- ix. 22/11/2019: Parr to Gunner - MC/19/1566 - Lower Rainham
- x. 20/02/2020: Birch to Gunner – Lower Rainham – Pump Farm
- xi. 04/03/2020: Birch to Gunner - Lower Rainham – Pump Farm

- xii. 11/03/2020: Parr to Gunner - Land off Pump Lane, Lower Rainham - Additional Surface Water Drainage Information pursuant to European designated sites (MC/19/1566) (8252).

Of further significant concern has been the unfortunate contribution of the Council's highways team, particularly Mr. Robert Neave, as regards the administration of highways modeling information, formerly considered to be necessary by the Council. You are already well aware of concerns previously expressed by us, across our many emails and telephone calls (referenced below). Despite the application having been submitted in June 2019, you are aware that, again, without justification, no highways data was provided to us until February 2020. The Highways manager responsible has evidently failed to diligently follow through with matters.

Emails regarding highways matters:

- i. Email dated 22/11/2020: Parr – Gunner – Lower Rainham
- ii. 27/01/2020: Parr to Gunner - Pump Farm, Lower Rainham
- iii. 31/01/2020: Parr to Gunner - Pump Farm, Lower Rainham
- iv. 07/02/2020: Parr to Gunner - Pump Farm, Lower Rainham
- v. 12/02/2020: Birch to Gunner - Pump Farm, Lower Rainham
- vi. 12/02/2020: Parr to Neave - Pump Farm, Lower Rainham
- vii. 14/02/2020: Birch to Gunner - Pump Farm, Lower Rainham
- viii. 14/02/2020: Parr to Harris - Pump Farm, Lower Rainham – Highways
- ix. 16/02/2020: Parr to Neave - Pump Farm, Lower Rainham

Most recently, by Mrs. Gunner's email dated 03/04/2020, she has regrettably advised that she is unable to give any update on the outstanding consultation responses (which we in fact read, as 'will not give') and also, that she is somehow still working on her report which "*is not currently complete enough and has not been checked properly*". This obvious and continuing chronic delay and complete lack of focus by Mrs. Gunner is simply unacceptable.

I therefore invite your acceptance of the above, your confirmation (in writing) within 7 days of the date of this letter, latest, that the application will be determined by the Council within a reasonable timetable.

For the avoidance of doubt, we now expect for the Council to arrange for the expedition of a (virtual) meeting of a quorate body of the Planning Committee in order to determine the application, just as many other local planning authorities are already managing to do in the present Covid-19 circumstances. The Council already has adequate powers to convene such a committee. Initial technical and administrative 'issues' been confronted and successfully overcome by other authorities and so will prove no obstacle to the Council.

If your acceptance and confirmation is not forthcoming, the Council leaves no option other than for the submission of a (well-founded) complaint to be made to the Local Government Ombudsman in parallel with further action.

This is not limited to an appeal being made against non-determination, with full adverse costs lying against the Council on appeal.

Separately, there lies the possibility of legal action being brought against the Council in respect of the above, which others instructed by my client have already advised upon.

I therefore invite your response within 7 days of the date of this letter for the Council's full and considered response. A bare or inadequate acknowledgement, etc., will simply not suffice in the circumstances.

Yours sincerely,

Duncan Parr

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