Planning Inspectorate

Appeal Decision

Inquiry opened on 3 June 2026

Site visits made on 8 and 10 June 2026

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2026

Appeal Ref: 6002996
Land off Ratcliffe Highway, Hoo St Werburgh, ME3 8PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Gladman Developments Ltd against Medway Council.
- The application Ref is MC/23/1934.
- The development proposed is outline planning application (all matters reserved except for access) for the erection of up to 240 residential dwellings, including affordable housing, together with a new vehicular access point from Ratcliffe Highway, open space, landscaping and associated works.

Decision

1. The appeal is allowed, and outline planning permission with all matters reserved except for access is granted for the erection of up to 240 residential dwellings, including 30% affordable housing, together with a new vehicular access point from Ratcliffe Highway, open space, landscaping and associated works at land off Ratcliffe Highway, Hoo St Werburgh, ME3 8PX in accordance with the conditions set out in the attached schedule.

Preliminary Matters

2. The application was made in outline, with all matters reserved other than access.

3. The council's planning committee resolved that, had an appeal against non-determination not been made, it would have granted permission for the appeal proposal. At the Inquiry the evidence presented by the council and appellant was broadly in agreement that the appeal should be allowed. The Rule 6 party, representing The Independent Group, presented evidence to support their position that the appeal should be dismissed.

4. The council has submitted its emerging Local Plan (the emerging Plan) for examination, with hearings beginning in September. The examining Inspectors have not raised any questions at this stage with the proposed site allocation or general approach for development in and around Hoo St Werburgh. However, the extent of unresolved objections to the emerging Plan is unknown, and therefore its policies attract limited weight in my decision.

5. Following a review of the submitted Environmental Statement a request for further information regarding air quality was made under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as the baseline data presented was taken from studies undertaken in 2019. An addendum to the Environmental Statement was provided with a baseline year of 2024 and

projections for background pollutant concentrations for 2031. I have considered its contents in making my decision.

6. The percentage of affordable housing to be provided with the development was a matter of difference between the council and appellant. I have therefore removed the reference to 25% affordable housing from the description of development in the header as I heard at the Inquiry that these two parties agreed it should not be included in the description.

7. Two case management conferences were held prior to the Inquiry opening. The first on 2 April was a joint session with the Inspector and main parties for the inquiry on the neighbouring site known as land west of Hoo[1]. This session was held due to the clear connection between the proposed developments, including common parties to both Inquiries. The second session on 21 April involved only the main parties for this appeal.

8. After closing submissions were made on 11 June, additional time was allowed for comments on the council's draft Developer Contributions Supplementary Planning Document, and for the submission of the signed and completed section 106 agreement. The Inquiry was then closed in writing.

Background and Main Issues

9. The appeal site lies outside the settlement boundary of Hoo St Werburgh established in the Medway Local Plan adopted 14th May 2003 (the Local Plan). It is proposed as an allocated housing site in the emerging Plan. It comprises undeveloped agricultural land enclosed by hedgerows and is crossed by a public right of way linking Ratcliffe Highway and Vidgeon Avenue.

10. The main issues are:

- The effect of the proposed development on the character and appearance of the area,
- Whether the appeal site is in an acceptable location in terms of the location of housing and sustainable travel options, having regard to local and national policies; and,
- The effect on biodiversity, in particular any effects on international sites and on ground nesting birds

Reasons

Character and appearance

11. The appeal site is agricultural land in the open countryside outside of Hoo St Werburgh. It is undeveloped land, free of any significant structures and contributes to the open character around the settlement as well as the separation between Hoo St Werburgh and Chattenden. In the Medway Landscape Character Assessment[2] the appeal site forms part of the Hoo St Werburgh Farmland landscape character area, which is recognised as an undulating arable landscape composed of large-scale arable fields bounded by fragmented hedgerows with a resulting open character. The appeal site is a typical example of this character.

[1] Planning Inspectorate ref: 6004418
[2] CD8.1

12. Policy BNE25 of the Local Plan states that development in the countryside will only be permitted if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside. Policy HOO8 of the Hoo St Werburgh and Chattenden Neighbourhood Plan 2023-2040[3] (the Neighbourhood Plan) states that development should enhance and avoid causing significant harm to the area's landscape character and that the open character of the landscape separation between Hoo and Chattenden is of significant local value and this characteristic should be retained. Policy HOO12 of the Neighbourhood Plan seeks, amongst other things, that development adjacent to public rights of way should take any opportunities to enhance the amenity of the route.

13. The appeal site lies immediately next to the built-up area of the settlement, which provides a hard edge against which the open fields of the appeal site directly contrast. I saw during my site visits and other travel in the area that the site is visible from within Hoo St Werburgh and in the surrounding area. It is prominent in the local landscape when seen from the King Charles III England Coast Path which lies between the settlement and the River Medway.

14. The prominence of the appeal site arises in part as it lies on the ridge of a sloping landscape, making it more visible in wider views as it is elevated above lower-lying land. The submitted Landscape and Visual Appraisal prepared by FPCR[4] acknowledges that there would be moderate adverse landscape effects from the development during construction and at completion. It states that these would reduce to minor adverse effects at 15 years past completion taking account of the maturing of the proposed landscaping. Nevertheless, it is accepted that there would be visual harm from the development.

15. The development would extend beyond the edge of the existing built-up area. Hoo St Werburgh extends for some distance along Main Road, although that development is at a low point in the landscape. That development, including the Hundred of Hoo academy provides some context against which the proposed development would be seen in closer views where the appeal site is at least partly obscured by intervening development. However, in longer views the difference in elevation means that the appeal site is seen as separated from development along Main Road and as countryside distinct from the settlement. The proposed development would therefore be seen as an extension of the built-up area of Hoo St Werburgh into the countryside, harmful to the landscape character through loss of its open character.

16. The land beyond Main Road rising up the slope towards the ridge that the appeal site sits on is open fields. The proposed development would therefore be an uncharacteristic intrusion into the countryside given its siting, prominence and the substantial scale of the development, which would differ significantly from the predominantly linear development along Main Road. While the visual effect of the development would be softened over time, and it would to an extent be a softening of the settlement edge due to landscaping within the site, the development would still amount to an intrusion into the countryside. This would be experienced in the surrounding area, including by occupiers of the houses next to the site and by users of the public right of way crossing it.

[3] The Neighbourhood Plan was made after a referendum in November 2024
[4] CD1.5

17. Due to its prominence and scale it would also result in a reduction in the separation between the settlements of Hoo St Werburgh and Chattenden. The separation at this point is of such considerable distance that development on the appeal site would not result in the coalescence of the two settlements. While development along Main Road has reduced the separation between the settlements at that point, that is linear development and of low visibility in the wider landscape, as noted above. The appeal proposal would have a significantly greater presence both visually and spatially in the landscape and therefore would be harmful to the open character of the landscape in this location.

18. Consequently, there would be harm to the character and appearance of the area from the appeal proposal. This would be principally experienced in the immediate area around the site, but would also be visible in longer views, resulting in harm to the wider landscape character of the area as well. It would therefore conflict with policies BNE25 of the Local Plan and HOO8 and HOO12 of the Neighbourhood Plan, the relevant criteria of which are identified above.

19. My attention was drawn to policy HOO6 of the Neighbourhood Plan, but this deals with design and falls to be considered at the reserved matters stage. I was also invited to consider policy HOO11 but this is a transport policy so is addressed in the location issue.

Location

20. The appeal site lies next to the built-up area of Hoo and comprises undeveloped agricultural land outside of the settlement boundary of Hoo St Werburgh. The main proposed access would be onto Ratcliffe Highway, a single carriageway road running parallel to the Peninsula Way dual carriageway. The site is also crossed by the RS102 public right of way.

21. Policy BNE25 of the Local Plan states that development in the countryside outside the urban and rural settlement boundaries defined on the proposals map will only be permitted subject to specific criteria, none of which apply to the appeal proposal. The proposal therefore conflicts with policy BNE25.

22. Existing services and facilities within Hoo St Werburgh include shops, bus services, a leisure centre and the Hundred of Hoo primary and secondary school. However, the site is not close to these existing services and facilities. I heard at the Inquiry that the nearest existing bus stops are more than 900 metres from the site. The nearest convenience store is around 900 metres from the site, the nearest schools are more than 1 kilometre from the site, and the nearest public house is more than 1.6 kilometres away. Active Travel England have highlighted the distance to services and facilities as being of concern, with most facilities more than 800 metres from the centre of the proposed development. This is the distance recognised as providing a walkable community in Sport England's Active Design document[5].

23. Travel by foot or bicycle to any of these services would be along predominantly residential streets suitable for general pedestrian or cycle traffic. However, in some instances such as the public house, the library and the nearest churches these facilities are significantly further than 800 metres from the site.

[5] CD6.30

24. In addition, the most direct route to many of the local services would be through the alleyway linking the site to Vidgeon Avenue. This alleyway is less than 1 metre wide at its narrowest point. While straight and relatively short the narrowness of the alleyway may deter future residents from using it, therefore requiring travel along Ratcliffe Highway. This would, I was told, result in greater distances to most services. The narrowness of the alleyway would be most likely to be off-putting to those with mobility issues, or with young children, as it would inhibit the ability to walk side-by-side.

25. The alternative pedestrian route along Ratcliffe Highway involves walking along a narrow pavement which for a significant distance in both directions from the proposed access is limited to one side of the road. For anyone walking into the settlement from the site this would place them with their back towards oncoming traffic until they reached Armstrong Close some 400 metres from the site access. Traffic calming measures along Ratcliffe Highway would be provided as part of the development and these would reduce the speed of traffic along this road. Nonetheless, I consider this route may also be seen as unattractive to some future residents of the site due to the narrowness of the footway and the distance to services.

26. The proposed spine road through the site and potential for this to enable a bus service directly to the appeal site was discussed at length during the Inquiry. The appellant has discussed possible services with the local bus company, Arriva, and is confident that bus service to the combined development could be secured. However, the prospect of that service coming forward is dependent on development of the neighbouring site. A decision on that development has not been made, and therefore I can give the potential benefits of that service no more than negligible weight in determining this appeal.

27. I also heard concerns about the volume of traffic to be generated by the development and its effect on the local road network, which the Rule 6 party and residents contend is stretched and subject to regular delays and tailbacks at peak times. However, the projected peak traffic generation would result in an additional 74 vehicles per hour at the most heavily affected junction. This would only occur at a time when the development is fully built out and occupied. The projected delivery rate for this site 50-60 homes per year, which was not contested, with development expected to commence approximately 18 months after outline permission is granted. The appeal is accompanied by a Section 106 agreement which commits a substantial sum towards highway improvements. The provision of a contribution does not guarantee that works will be delivered. However, I heard that the money could either be spent on works specific to this development or pooled with other contributions to deliver strategic improvements to accommodate the widescale development projected in the area in the emerging Local Plan. In either case, I see no reason to think that the relatively modest increase in traffic arising from this development could not be satisfactorily mitigated. It would not therefore result in a severe impact on the road network, in accordance with the requirements of the National Planning Policy Framework (the Framework).

28. Overall, however, the appeal site is in a fringe location distant from most services and facilities. The location is not optimal and the distance and impediments to sustainable travel options would be likely to encourage private vehicle use on the part of future occupiers. The appeal proposal therefore is not in an acceptable location in terms of encouraging the use of sustainable transport measures and

consequently conflicts with policy HOO11 of the Neighbourhood Plan which requires that large developments should include layouts that prioritise safe, active travel and sustainable forms of transport movement over private car use and create a convenient, safe and attractive environment for pedestrians with differing levels of mobility, linking to surrounding paths, community facilities and public transport. It also conflicts with policies S1 and S2 of the Local Plan. Taken together these seek a sustainable approach to the location and mix of new development and to restrict outward peripheral expansion onto fresh land. It also conflicts with policy BNE25 as set out above.

Biodiversity

29. Speaking for The Independent Group Councillor Pearce accepted under cross-examination that their concerns could be addressed by the proposed mitigation measures. Nevertheless, given the accepted effects on the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (the SSSI) and the Medway and Thames Estuary and Marshes Special Protection Areas and Ramsar sites (the SPAs) I have retained this as a main issue.

30. The appeal site is less than a kilometre from the SSSI, and it is accepted that increased vehicle traffic associated with the development in combination with other developments could result in impacts from increased nitrogen and ammonia deposition. The specific concern relates to one part of the SSSI next to the A228 rather than the entire site, with the impact of the pollutants mitigated by the presence of mature trees such as field maple and hawthorn within the site. The parties accepted that any effect on the SSSI could be mitigated by the imposition of a suitably worded planning condition. This is addressed below.

31. The site also lies within the 6 kilometre zone of influence of the two SPAs from within which 75% of the recreational visits to the SPAs originate. The SPAs are protected because they provide wetland habitats for birds, including breeding populations, and they are vulnerable to the increased recreational pressures arising from new housing development. This disturbance can affect the status and distribution of key bird species, contributing to a decline in their numbers. The proposed development, in combination with other approved and proposed residential developments, would result in a likely significant effect on the SPAs. As the competent authority I must therefore consider through an appropriate assessment whether measures can be put in place to mitigate the impacts of the development.

32. The council has adopted the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (the SAMM) in consultation with Natural England. This outlines necessary mitigation measures to address the impacts arising from development. Measures identified within the SAMM include wardening, interpretation signage, visitor engagement and the establishment of refuges where recreational activities are discouraged. A contribution of £337.49 per dwelling is sought to fund these measures, and the council and appellant have confirmed that this would be secured as part of the section 106 agreement accompanying this appeal. This figure has been agreed with Natural England for funding of the identified measures, which are delivered through the North Kent Strategic Access Management and Monitoring Scheme Board.

33. Whilst I will address the planning obligation in greater detail below, I am satisfied that this contribution would fund measures that would result in the development not causing an adverse impact on the SPAs.

34. The presence or absence of breeding birds at the appeal site is informed by a total of 18 surveys conducted at the site between 2018 and 2025. No breeding birds were confirmed to be present on site by these surveys, although a single skylark was recorded on site during some of the surveys. Interested parties did attest to the presence of birds, including skylarks, on the site but detailed evidence was not provided. It was not, in any event, disputed that the site provides a suboptimal nesting habitat for skylarks as it is regularly cut back and skylarks prefer longer grass for cover and foraging. Other bird species, including nightingales, corn buntings and lapwings are also known to be present in the area including on the neighbouring site. However, the appeal site also provides a suboptimal nesting habitat for these species due variously to the presence of predators, lack of suitable foraging spots and a lack of suitable breeding habitats.

35. I note that Councillor Pearce expressed some additional misgivings about the baseline evidence in his closing submissions. However, no additional evidence was presented to suggest that the baseline evidence is not reliable. With particular regard to the presence of birds on site the evidence is consistent across several years. While the Kent County Council ecology consultee initially sought a full suite of 6 bird surveys across a nesting season, I was informed that this is the minimum level of surveys required for deciduous woodland. The appeal site comprises predominantly open agricultural fields where a smaller number of surveys is proportionately reasonable. The council and appellant agree that a full suite of surveys should be completed before any works commence on site, and that this can be secured by an appropriately worded condition. Based on the above, I see no reason to disagree.

36. The development would also deliver an overall biodiversity net gain at the site. This would include a net gain of around 10% for habitat units, and 20% for hedgerow units.

37. Overall, therefore, the proposed development would not be harmful to biodiversity in this location, including to breeding bids. On this issue it would therefore accord with the requirements of policies BNE35 of the Local Plan and HOO8 of the Neighbourhood Plan. These policies require, amongst other criteria, the long term protection of SPAs and SSSIs and that development should enhance and avoid causing significant harm to them, and the same for the area's fauna and habitats.

Other Matters

38. The appeal site lies within the setting of two listed buildings, the Grade I listed Church of St Werburgh on Church Street, and the Grade II listed Mill House on Ratcliffe Highway. In accordance with my duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had special regard to the desirability of preserving the buildings, their settings or any features of special architectural or historic interest which they possess.

39. The Grade I listed Church of St Werburgh is distant from the appeal site, but it derives its significance in part from its cultural and historic importance which extends far beyond its immediate surroundings. The church is also visible from within the site. The combination of visibility and the historic importance of the

church means that the appeal site falls within its setting. However, the separation distance and intervening development between the church and appeal site nevertheless mean that there would be no harm to the significance of the church or to its setting.

40. The Mill House neighbours the appeal site. Its significance derives principally from its architectural interest and connections to the former mill. There is no recorded connection to the appeal site, although it forms part of the open, predominantly agricultural setting immediately surrounding the Mill House. The development of the appeal site as proposed would result in some harm to the setting of the building due to the loss of agricultural land. However, given the lack of connection to the Mill House and as most of its setting would remain untouched, this would amount to less than substantial harm to the significance of the heritage asset due to the lack of any historic connection between the listed building and site, and this would fall at the lower end of the scale of harm. Whilst this harm nevertheless carries great weight, when balanced purely against the public benefits that would arise from the development it would be clearly outweighed given the extent of benefits arising from a development of this size.

41. The City Way health clinic, formerly the Windmill public house, lies opposite the site of the proposed access. The main parties agree that this this can be considered a non-designated heritage asset. It is a mid-19th century building first recorded as a public house in the late 19th century and derives its significance principally from its built form as an example of a former public house dating from that period. There is no recorded connection to the appeal site, but as part of the predominantly agricultural landscape that forms its setting development of the site would result in the loss of some of the significance of the property. The harm arising from that loss will be weighed in the overall planning balance below.

42. The 2016 decision on the neighbouring site[6] for a proposal for up to 475 dwellings and associated development was referred to several times during the Inquiry. That appeal was dismissed as the Inspector found that the site could not be made adequately sustainable and would cause harm to the character and appearance of the area through the loss of a greenfield site and the compromising of the perceived separation of Hoo St Werburgh and Chattenden. I note references to the Inspector considering the benefits of that proposal as being time-limited given the apparent expectation that the council would adopt a new Local Plan. Hearings for the emerging Local Plan are scheduled to begin in September, 10 years after that decision was issued. Given the passage of time, the worsened housing land supply position, the different site and the different scale of development this decision attracts limited weight in my decision. It does not alter my conclusions.

43. The appeal proposal would involve the development of agricultural land. It is therefore inevitable some increase in noise and light pollution would occur in the surrounding area, in particular to the nearest residential properties which currently back onto the open land. The introduction of new housing on this land could also result in some loss of outlook and privacy for the occupiers of these properties. However, these issues would fall to be addressed at reserved matters stage through the detailed design, scale and layout of the proposed development.

[6] Planning Inspectorate ref: APP/A2280/W/15/3132141

44. A portion of the appeal site is classed as Grade 3a best and most versatile agricultural land (BMVAL). The loss of BMVAL is also a harm that is factored into the planning balance.

45. Residents expressed concern in writing and at the inquiry about the capacity of local infrastructure and its ability to accommodate new development at this scale, especially given recent local development. None of the infrastructure consultees have objected to the development. Particular concerns were expressed about water and sewerage capacity, but Southern Water have indicated that capacity exists within their system, subject to reinforcement secured by an appropriately worded condition which is addressed further below. I recognise residents consider that capacity is an issue, but no specific details were provided to support this. I can therefore only conclude that capacity can be provided for the proposed development. With regards to other concerns about community, health and education infrastructure the development is committed to providing significant financial contributions to these areas, amongst others. The council has confirmed that these would meet the local needs and no evidence was advanced to suggest otherwise.

46. Concerns have been raised that no employment land would be provided as part of the development. However, no requirement for such to be provided is identified nor has the council identified the lack of provision as an issue.

47. Concerns were also raised about the potential for increased crime rates because of a development. No specific evidence was presented to indicate that the development is likely to cause a harmful increase in crime rates.

48. It was suggested that the increased population arising from the development would be likely to attract chain stores to the area, to the detriment of locally owned businesses. However, this is not a planning matter.

Section 106 agreement

49. A signed and sealed section 106 agreement is before me. This would secure obligations totalling more than £8.9 million pounds in contributions, index-linked, assuming that the site is built out to its projected capacity of 240 homes. I have assessed these against the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and which are repeated in the Framework. These state that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

50. Policy S6 of the Local Plan states that the council will seek to enter into a legal agreement with developers to provide for new physical infrastructure, social, recreational and community facilities (including education facilities) and environmental mitigation or compensation measures where mitigation is impossible or inadequate on its own, where the need for these arises directly from the development concerned. My attention was also drawn to various development plan policies in support of the proposed contributions, to which I refer further below.

51. The agreement contains a clause allowing me to specify whether the development should provide 25% affordable housing, as suggested by the appellant, or 30% as

sought by the council. The current Local Plan does not contain a policy specifying a minimum provision, with policy H3 instead stating affordable housing will be sought as a proportion of residential developments of a substantial scale. There is no suggestion that the development would fail to be viable at a provision of 30% affordable housing, and I heard during the inquiry that there is a great and urgent need for affordable housing in the district. The higher figure of 30% will provide the greater contribution towards meeting this need so is the provision required for this development.

52. The development would provide a contribution towards the council's identified strategic highways works which are proposed to be brought forward alongside future development. Half of the contribution would be payable on first occupation of any dwelling on the site, with the remainder payable once a quarter of the homes are occupied. The Rule 6 party noted that the paying of a contribution does not guarantee that the funded works will be delivered. This is true, but the provision of funding allows the council to identify where works can be provided to meet the needs of highways users. The contribution would accord with policy S6.

53. A contribution towards open space and outdoor sport would help fund the improvement and expansion of facilities at nearby parks and public open spaces. This need would arise from the greater demand on such facilities from the increased population. Similarly, funding for improvements to civic spaces and community facilities within Hoo St Werburgh, indoor sports and leisure facilities at Hoo Sports Centre, improvements to the Hoo Library and/or the community mobile library and the provision of youth development services across Hoo and Chattenden will likewise help the increased need for these services to be met. These contributions would accord with policies S1, S2, S6 and L4 of the Local Plan which amongst other things seek to provide local communities with a range of local facilities, including open space provision.

54. The development would result in an increase in children of nursery and school age living in the area. Contributions to nursery, primary and secondary education, including sixth form, would address the need arising from this increase. The contributions would accord with the identified aims of Local Plan policies S1, S2 and S6.

55. The obligation will also provide funding towards a new healthy living centre in the parish of Hoo and Chattenden, as well as funding for social care to meet the needs of an aging population around the appeal site. Both contributions will address the need arising from the increase in population resulting from the development, so would accord with the identified aims of Local Plan policies S1, S2 and S6.

56. Funding would be provided towards a strategic environmental management strategy. These would help protect the SSSI and the SPAs, as well as areas of significant flood risk. In addition, funding would be provided to protect the bird habitat areas in the SPAs, as set out in the biodiversity section above. These contributions would accord with policies S2, S6, BNE37 and BNE39 of the Local Plan which collectively seek to maintain and improve environmental quality and safeguard and maintain protected species and their habitats.

57. Funding would also be provided for works to enhance the public rights of way on and near the site. This accords with national and local policy aims, including Local

Plan policy L10 which seeks the betterment of public rights of way where a development would prejudice their amenity.

58. Finally, a contribution towards waste containment facilities, the maintenance and improvement of local centres and waste education would accord with the aims of policy S6 of the Local Plan.

59. These contributions are necessary to make the proposed development acceptable in planning terms. They are directly related to the appeal scheme. They are calculated based on standard charges applied to all residential development in the district, and therefore fairly and reasonably related to the proposal in scale and kind. These contributions would therefore comply with the tests in the Community Infrastructure Levy Regulations 2010 and the requirements of the Framework.

Planning Balance

60. The Framework identifies a presumption in favour of sustainable development. For decision-taking this means that where policies which are most important for determining the application are out-of-date granting permission unless, amongst other considerations, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

61. It is a matter of common ground between the main parties that the presumption in favour of sustainable development is engaged as the council cannot demonstrate a 5 year supply of deliverable housing land.

62. Indeed during the Inquiry the council confirmed that its supply was less than set out in written submissions and now lies between 2.03 and 2.69 years. Even at the upper end of this range there is an acute shortfall with the council needing to identify an additional 4,600 homes. There is also an identified need for additional affordable housing, with a 3 year wait for three-bedroom homes, 1,000 children in temporary accommodation and 3,200 people on the waiting list for affordable housing.

63. I heard during the Inquiry that the expected rate of delivery on this site of approximately 50 dwellings per year amounted to around 3% of the council's identified annual need for housing. This does not diminish the benefits of the development. Rather, a 3% contribution from a single site must also be viewed in the context of the council's most recent Housing Delivery Test figures, which show a delivery of 72% of the defined housing requirement across the 3 years of the Test. The council's Housing Delivery Test Action Plan[7] states that this figure is still significantly above its historic average, and this points to an ongoing failure to meet the local housing need and therefore a worsening of the situation year on year. This is evidenced by the housing shortfall in 2016 being 3,397 homes[8] – the need has grown by more than 1,200 homes in the intervening decade.

64. Set in this context the benefits of providing 240 new homes, of which 30% would be affordable, on an available site therefore attracts substantial weight in the overall balance.

[7] CD6.14
[8] Inquiry document 16 Comparison of Taylor Wimpey 2016 Housing Land Supply and Present Housing Land Supply Calculations

65. There are additional benefits that would arise from the proposed development. An estimated £32 million would be spent on the construction at the site. The development would create 273 full time equivalent direct construction jobs, and 298 full time equivalent indirect jobs. While those benefits would be time-limited to the construction phase, and there is no guarantee that the economic benefit would all be local, there would be a permanent economic benefit from the site's ongoing occupation. These benefits attract moderate weight.

66. The development would include measures to reduce off-site flood risk. This would protect the Hundred of Hoo academy which is downslope from the site, and the Lower Medway Internal Drainage Board highlighted that the downstream area is sensitive to flooding. Given the increase in hardstanding that would result from the development, the overall reduction in risk and the vulnerability of the school site if flooding were to occur this benefit attracts moderate weight.

67. The overall biodiversity net gain also attracts moderate weight, given the scale of gains in both hedgerow and habitat units.

68. The development would deliver improvements to the local public right of way network, including RS102 which crosses the appeal site. It would also deliver improvements to public open space. These would be funded through the Section 106 agreement. Given that the development would result in harm to the countryside including the loss of open countryside around RS102 as it crosses the site I accord each of these benefits limited weight in the balance.

69. The development would include energy efficiency measures for the new housing to be provided on site. Given that such measures are increasingly common in new housing, this benefit attracts limited weight in the balance.

70. The proposed traffic calming measures to Ratcliffe Highway would carry a benefit beyond that for the future occupiers of the site as it would make the road more attractive to pedestrians in general. This also attracts limited weight as the benefits will principally be for those living on the appeal site.

71. Set against these benefits I have identified harm to the character and appearance of the area, as well as from the limited accessibility of the location and an in-principle objection to development outside the settlement boundary of Hoo St Werburgh. There would be additional harm from the loss of best and most versatile agricultural land.

72. Given the age of the Local Plan, the weight to be attributed to the conflict with its policies depends on their degree of consistency with the Framework. While other policies inform my decision, the most important policies for the determination of this appeal are those with which I have found conflict, that is BNE25, S1 and S2 of the Local Plan and HOO8, HOO11 and HOO12 of the Neighbourhood Plan.

73. Policies HOO8, HOO11 and HOO12 are consistent with the Framework and conflict with them attracts full weight.

74. Policy BNE25 seeks to focus most development away from the countryside. As new housing development is not included in the list of permissible development, and the council has a growing and cute shortfall in its housing supply, the conflict with this policy attracts limited weight as it is not consistent with the Framework's requirement of meeting an area's identified housing need.

75. Policy S1 states that outward peripheral expansion onto fresh land will be severely restricted. Whilst not a blanket restriction on new housing development this does seek to inhibit development outside the settlement boundaries. The policy otherwise seeks close integration of land use and transport with priority given to a range of new and improved transport facilities. It is therefore only partly consistent with the Framework and the conflict with it attracts moderate weight.

76. Policy S2 relies on policy S1 and therefore while in itself broadly consistent with the Framework the conflict also attracts moderate weight.

77. Policy HOO8 does anticipate development in the countryside, and states that such development should avoid causing significant harm to the area's landscape character. The harm to the character and appearance of the area would be permanent and initially would result in considerable harm to the local landscape through the loss of the open character in a prominent location visible for some considerable distance in the surrounding area. However, it would be somewhat softened over time by the maturation of landscaping creating a softer edge to the settlement. Furthermore, whilst the development would represent an intrusion into the countryside reducing the separation between Hoo St Werburgh and Chattenden the settlement edges would remain separated by several hundred metres. This harm therefore overall attracts considerable weight in the balance.

78. Given the need for new housing in the district, it is inevitable that new development will take place in locations that are suboptimal in terms of accessibility. While the appeal site is not close to existing services and facilities, some are within walking distance. The harm in this instance therefore attracts moderate weight in the balance as the location does provide some encouragement for the use of sustainable transport options.

79. There is no longer a development plan policy relating to the protection of BMVAL as the relevant policy, BNE48, was not saved when the Local Plan was reviewed. Instead, I have assessed the loss of an area of grade 3a land against the Framework's requirement to conserve and enhance the natural environment. The Framework recognises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Given the small area of BMVAL that would be lost, I therefore accord this limited negative weight.

80. There would be some loss of significance to the former Windmill public house from the development within its setting. This also attracts limited weight given the lack of historic connection between the site and that building. As noted above, I am satisfied that any harm to the significance of the neighbouring listed building is outweighed by the public benefits of the development.

81. There is in-principle harm arising from any development outside the settlement boundaries that does not meet the criteria of policy BNE25. Given the lack of consistency of that policy with the Framework and the need for new housing this attracts very limited weight in the balance.

82. Collectively, therefore, the development would result in considerable harm, principally to the character and appearance of the area and through the limited opportunities for sustainable travel.

83. However, the benefits of the scheme, principally the delivery of acutely needed housing, are so substantial that they would not be significantly and demonstrably outweighed by the harm in this instance. For the sake of clarity, the potential bus service carries negligible weight as set out above and this is not determinative in my decision.

84. Therefore, while the appeal proposal conflicts with the development plan taken as a whole there are material considerations that lead me to find otherwise than in accordance with it.

Conditions

85. The appellant and council discussed the proposed conditions at length before agreeing to those in the suggested list[9]. They were discussed further at the Inquiry with input from The Independent Group. I have reviewed the conditions in accordance with the six tests set out in the National Planning Practice Guidance and the Framework and, where necessary, amended the wording of conditions accordingly.

86. Conditions 1 and 2 require the submission of the remaining reserved matters for consent. Condition 3 specifies the 3 plans to be approved. These conditions are necessary for the sake of certainty.

87. Conditions 4 requires the submission and agreement of a Phasing and Implementation Plan for the development. A separate condition allowing this to be varied is not necessary. Condition 5 specifies the information to be provided with the reserved matters application or applications. These conditions will guide the ongoing development of the site and ensure that suitable information is provided to allow the council and interested parties to assess the detailed proposals.

88. Conditions 6 and 7 require that development be carried out in accordance with submitted Construction Management Plans, focused respectively on environmental impact and surface water. Condition 8 requires the agreement of details of foul sewerage management before each phase of construction. Conditions 9 and 10 relate to the management of drainage at the site. These conditions ensure that the construction proceeds in a way that manages impact beyond the site boundaries.

89. Condition 11 requires a construction ecological management plan for each phase of the development. Condition 12 requires a breeding bird mitigation strategy, informed by industry standard breeding bird surveys, be approved before any commencement of works on the site and complied with during construction. Condition 13 requires an ecological design strategy to be approved and implemented prior to each phase of developments. As the details sought under this condition include details of lighting, no separate condition for this is required. Condition 14 requires the completion and verification of the works specified in the ecological design strategy prior to first occupation of any dwelling in any phase. Condition 15 requires the agreement and implementation of an air quality management plan for each phase of development. These conditions taken together will manage the effect of the development on biodiversity and the SSSI.

[9] Inquiry document 19

90. Condition 16 requires the approval of an unexploded ordnance risk management plan before any groundworks occur on site. This is due to records of unexploded ordnance in the vicinity of the site. Condition 17 requires that suitable measures be put in place in the event of unsuspected contamination being found at the appeal site. This is reasonable given that the proposal is for housing.

91. Condition 18 requires the approval of suitable parking on site prior to the occupation of the relevant buildings. Condition 19 specifies details of landscaping to be submitted at reserved matters stage. Condition 20 requires the approval of a landscape management plan for each phase of development. Given the requirements of this condition, a separate condition requiring agreement that the approved landscaping has been completed before responsibility for ongoing maintenance is handed off from the developer is not required. Condition 21 requires agreement of detailed street designs. Each of these conditions relates to detailed matters and is reasonable and necessary to ensure that the finished development is acceptable in terms of its appearance and functionality.

92. Councillor Pearce suggested that condition 21 could be amended to require that all measures designed to support active travel for each phase of development be completed before occupation of any dwelling in that phase. The condition does require a delivery programme and occupation triggers to be agreed with the council as part of the condition so I do not consider that further measures are necessary.

93. Condition 22 requires the approval and implementation of a travel plan for the site, including measures to encourage sustainable travel by future occupiers. Councillor Pearce noted that where any travel plan depends on connection to the neighbouring site and the proposed bus service that it is anticipated would serve them if both are developed then alternative measures should be secured if that does not occur. I am satisfied that any travel plan advanced for this site on its own would not depend on the neighbouring site, so have imposed the condition as suggested.

94. Condition 23 requires approval of energy efficiency measures and measures to address climate change for each phase of the development. This is necessary that the development is sustainable through its lifetime.

95. Condition 24 requires the approval, provision and retention of play facilities at the site. Condition 25 requires the approval and implementation of noise mitigation measures as part of the development. These are necessary measures to ensure that the development provides suitable living conditions and space for recreation and play for future occupiers.

96. Condition 26 requires the approval and implementation of a scheme of traffic calming measures along Ratcliffe Highway. These measures are to be agreed with the council and implemented prior to first occupation of any dwelling on the site and are necessary to support sustainable travel options to and from the site.

97. Condition 27 requires the agreement and carrying out of archaeological works if any remains or features are found during construction. This is necessary to ensure that any archaeological remains that may be present on site are properly identified, recorded and preserved.

98. Condition 28 requires the approval of details of a safeguarded bus route within the site. Should the neighbouring site be developed then there is an intent to secure a bus service for the two sites via the proposed link road. As this would be a significant benefit for sustainable travel for future occupiers this condition is reasonable and necessary.

99. Condition 29 prevents the change of use of the approved houses to houses in multiple occupation. Given the urgent need for new housing, of which the need for three-bedroom housing was particularly highlighted, this condition is reasonable.

100. I have not imposed a condition seeking to limit the permitted development rights of the approved houses. National guidance states that such conditions may not pass the test of reasonableness or necessity, and at this stage I am not convinced that it is reasonable or necessary to remove these rights.

101. I have also not imposed a condition requiring approval of materials as these would be agreed as part of any reserved matters application.

102. Councillor Pearce raised concerns that the conditions and section 106 did not secure the infrastructure works that The Independent Group considers to be necessary before occupation of the development. My attention was drawn to a permission for a hybrid consent recently granted by the council on land to the east of High Halstow, Kent[10] where the council imposed a condition restricting occupation of the site until delivery of necessary strategic transport interventions has occurred.

103. Councillor Pearce suggested a condition requiring that all such works, including strategic transport infrastructure, be delivered prior to occupation. As an alternative he suggested a condition requiring that the development secure transport mitigation measures to offset the effect of the increased population before first occupation, 25% occupation, 50% occupation and 75% occupation.

104. I note that the High Halstow permission is for a substantially larger development of 760 homes, and that together with other developments in the Hoo Peninsula there was an identified need for these measures, which has also been raised in submissions and at this Inquiry.

105. I am not familiar with the High Halstow site, and only limited details were provided at the inquiry or in written submissions[11]. However, the scale of the approved development differs substantially from the proposal before me. The limit on occupation requires that no more than 350 dwellings be occupied before the mitigation is in place, which is a number greater than the total proposed in the appeal.

106. Some of the works are proposed to road junctions not under the appellant's control and are only projected to be necessary based on development anticipated in the emerging Local Plan. Given the uncertainty around that document's adoption, and in turn when or if any of the projected developments will occur, the first suggested condition would not satisfy the test of reasonableness.

[10] Council reference MC/23/0855
[11] Inquiry documents 26, 27 and 28, respectively the case officer report to the planning committee, committee minutes and council's comments on the condition

107. Nor is it clear that a condition requiring phased delivery of the measures would be necessary. While probable given its location, there is no guarantee that occupiers of the properties will rely on private vehicles for travel, nor where they may travel to. It is more appropriate for such works to be based on the demand arising from the development, and such others as may come forward, as this would be the most effective approach in the long term.

Conclusion

108. For the reasons set out above, the appeal is granted.

M Chalk

INSPECTOR

Appearances

For the appellant:

Mr Christian Hawley, of counsel

He called:

David Stoddart	Associate Director, Prime Transport Planning
Gary Holliday	Director, FPCR Environment and Design Ltd
Dr Suzanne Mansfield	Senior Director of Ecology, FPCR Environment and Design Ltd
Laurie Lane	Director, Lane Town Planning
Michael Dinn	Planning Manager, Gladman

For the council:

Mr Robert Williams KC and Mr Jack Barber

They were instructed by Ms Joanna Horne, Senior Solicitor (Planning) at Medway Council and Gravesham Council

They called:

Peter Canavan MRTPI	Partner, Carter Jonas
Dave Harris	Chief Planning Officer, Medway Council
Hannah Gunner	Principal Planning Officer, Medway Council
Jeremy Gaililee	Principal Planner, Strategic Transport, Medway Council

For the Rule 6 Party, The Independent Group:

Councillor Michael Pearce

Interested parties

John Pattison	Resident

Councillor George Crozer

Councillor Ron Sands

Nick Craddy	Chairman, St Mary Hoo Parish Council
Cat O'Leary	Resident
Andy Phillips	Resident
Natalie Williams	Resident

Councillor Christopher Smalling

Jaswinder Bansil	Resident
Hazel McCarthy	Resident

Graham Grice Resident

Statements from the following residents were also read out by Councillor Pearce:

Sue Groves

Carley Jones

Jeff Ascott

Emma Fallon

Documents submitted to the Inquiry

ID1 Appellant's list of appearances
ID2 Opening statement on behalf of the appellant
ID3 Opening statement on behalf of the local planning authority
ID4 TIG opening statement
ID5 Facebook post by Michael Pearce inviting residents to speak at this Inquiry
ID6 Statement of John Pattison
ID7 Statement of George Crozer
ID8 Statement of Ron Sands
ID9 Statement of Nick Craddy
ID10 Statement of Sue Groves

ID11 Statement of Carley Jones
ID12 Updated council housing land supply position
ID13 Councillor Michael Pearce Evidence in Chief
ID14 Statement of Jaswinder Bansil
ID15 Statement of Hazel McCarthy
ID16 Comparison of Taylor Wimpey 2016 Housing Land Supply and Present Housing Land Supply Calculations
ID17 Regulation 122 table
ID18 Trigger point table
ID19 Updated list of conditions
ID20 Statement of Andy Phillips

ID21 The Independent Group note on conditions and S106 round table sessions
ID22 Updated S106
ID23 Statement of Jeff Ascott
ID24 Statement of Emma Fallon
ID25 Medway council draft Developers Contribution Guide February 2026
ID26 High Halstow Case Officer Report ref MC230855
ID27 Printed minutes of Medway planning committee 11 March 2026
ID28 Council note on High Halstow decision
ID29 Council closing statement
ID30 The Independent Group closing statement

ID31 Appellant closing statement

Documents submitted following Inquiry

Signed and sealed Section 106 agreement dated 16 June 2026 between Medway Council, Michael John Osenton and Gladman Developments Limited.

Schedule of Conditions

1. Applications for approval of details of the appearance, landscaping, layout and scale (hereinafter called 'the Reserved Matters') shall be submitted to and approved in writing by the local planning authority prior to the commencement of each construction phase.

2. Application for the approval of the Reserved Matters referred to in Condition 1 for the first construction phase of the outline consent shall be submitted in writing to the local planning authority for approval. Such application for approval shall be made to the local planning authority before the expiration of 3 years from the date of this permission. and all applications for approval of Reserved Matters for the remaining phases shall be made before the expiration of five years from the date of this permission. The development shall thereafter be carried out in accordance with the approved details.

   The commencement of each construction phase pursuant to this outline consent shall be begun before the expiration of two years from the date of the last Reserved Matter in respect of that construction phase to be approved, and thereafter the development shall be carried out in accordance with the approved details.

3. The development hereby permitted relating to the outline planning permission shall be carried out broadly in accordance with the following approved plans:

   - Location Plan (8277-L-01 B)
   - Proposed Site Access Strategy (Dwg No. P23030-001A).
   - Land Use and Access Parameter Plan (Dwg no: 8277-L-06 B)

4. Prior to or in conjunction with the submission of the first application for Reserved Matters, a Detailed Phasing and Implementation Plan shall be submitted to and approved in writing by the local planning authority. The phasing plan shall demonstrate how the development of the entire site can be brought forward to secure development in a timely manner in accordance with following details and quantum:

   - A maximum of 240 residential units
   - Proposed construction phase details
   - The order and timing of the proposed construction phases
   - Development parcels and public realm
   - Open space and green infrastructure including identified areas for any locally equipped areas of play, local areas of play and informal play (play on the way)
   - Drainage infrastructure
   - Road layout and access arrangements, pedestrian, cycle networks and footpath and public right of way Improvements

5. Each Reserved Matters Application shall be accompanied, as appropriate, by the following documents and/or information:

   i) A Design and Access Statement
   ii) And in relation to the matter of layout, a Reserved Matters application shall include:

- details of the site layout access to the development parcel and within the development parcel or construction phase for vehicles, cycles and pedestrians.
- details of the siting and orientation of the proposed buildings and any relevant roads and footpaths, as well as the location of any landscaped or open space areas;
- details of any necessary temporary layout associated with boundary treatment and condition between the Development Parcels
- details of parking areas, garages, servicing areas and plant areas
- details of cycle parking
- details of proposed external lighting
- details of pedestrian and cycle routes within the development site
- details and specification of proposed earth modelling, mounding, re-grading or changes of level to be carried out including spot levels
- Refuse storage details and collection points
- Details of Electric Vehicle Charging Points (EVCP)

iii) And in relation to scale and design a Reserved Matters application shall include:

- details of building heights and massing (including the provision of bungalows, if any)
- details of housing mix including the mix and location of affordable housing
- details of the internal layouts of buildings
- details of the external treatment and design of the buildings

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

6. No development within a construction phase shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, lighting and site contact details in case of complaints; details of temporary site screening, details of construction traffic management (including the routing and parking of construction vehicles, loading/unloading and turning facilities), hours of access, access and egress arrangements, details for the storage of materials and mixing of cement, construction workers travel plan. The construction works shall thereafter be carried out at all times in accordance with the approved CEMP.

7. No development within a construction phase shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority (LLFA). The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:
i. Temporary drainage systems.
ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
iii. Measures for managing any on or offsite flood risk

The development shall be undertaken in accordance with the approved details.

8. No development within a construction phase shall take place (save for advance infrastructure enabling works) until details of the proposed means of foul sewerage disposal have been submitted to and approved in writing by the local planning authority, in consultation with Southern Water. The scheme shall be implemented in accordance with the approved details.

9. No development within a construction phase shall take place until a surface water drainage scheme based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority.

   The scheme shall include (where applicable):

   i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
   ii. A timetable for its implementation (including phased implementation).
   iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
   iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

   The development shall be undertaken in accordance with the approved details.

10. Prior to first occupation of any dwelling within each phase of development (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the local planning authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

11. No development within a construction phase (including any ground works, site or vegetation clearance) shall take place until a construction ecological management plan (CEMP - Biodiversity) for that phase has been submitted to and approved in writing by the local planning authority. The CEMP - Biodiversity shall be based on Chapter 7 - Ecology and Nature Conservation of the Environmental Statement (Wardell Armstrong - August 2023) and the Ecological Impact Assessment (EcIA, FPCR 2023). The CEMP - Biodiversity shall include the following:

    - Purpose and objectives for the proposed works:

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

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

12. Prior to commencement of any works on site, including any clearance works, a breeding bird mitigation strategy must be submitted to the local planning authority for written approval. The mitigation must be informed by industry standard breeding bird surveys (such as the British Trust for Ornithology (BTO) Breeding Bird Survey (BBS) methodology or Common Bird Census (CBC) techniques which would require an agreed number of surveys spread between late March and early July, including at least one evening survey). The mitigation strategy must provide details on how and when this is to be delivered, on and, where required, off site mitigation. The works shall be carried out in accordance with the approved details.

13. No development within a construction phase shall take (including any ground works, site or vegetation clearance) until a detailed Ecological Design Strategy (EDS) for that phase has been submitted to, and approved in writing by, the local planning authority. The detailed EDS for that phase shall be clearly and explicitly informed by the Chapter 7 - Ecology and Nature Conservation of the Environmental Statement (Wardell Armstrong - August 2023) and the Ecological Impact Assessment (EcIA, FPCR Revision D 2026), and up-to-date ecological survey information, as advised by a suitably qualified ecologist. The EDS for each phase shall include the following:

    - Purpose and conservation objectives for the proposed design;
    - Review of site potential and ecological constraints;
    - Updated biodiversity net gain calculations based on detailed designs for the current and previous phases, and where necessary outline designs (for subsequent phases), to objectively demonstrate that the development is on

track to deliver a quantitative biodiversity net gain using the latest statutory biodiversity metric calculation tool;

- Detailed designs shown on scaled plans to achieve stated objectives, including:
- Lighting contour plans to show expected lux levels on the horizontal plane (and vertical plane where necessary), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors;
- Soft landscaping plans and planting schedules;
- Habitat features shown on building elevation plans, soft landscaping plans, fencing plans etc. as appropriate;
- How and where external lighting shall be installed;
- The provision of technical specifications for the external lighting;
- Details of the precise location (including erection height from ground level and aspect), dimensions, construction materials (including make and model where relevant) and construction methodology of habitat features;
- Bat and bird boxes made of durable materials and targeted at species of conservation concern that could make use of the site;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development and the site-wide EDS;
- Persons responsible for implementing the design;
- Details of initial aftercare and long-term management for the lifetime of the development to be provided in a Landscape and Ecological Management Plan (LEMP). The LEMP shall include:
- Aims and objectives of management;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
- Details for monitoring and remedial measures; and
- Details of the individual, body or organisation(s) responsible for implementation of the plan.

The EDS shall be implemented in accordance with the approved details, and all features shall be retained thereafter.

14. No dwelling within a construction phase shall be occupied until;

a) the habitat retention, creation and enhancement works set out in the approved Ecological Design Strategy for that phase pursuant to condition 14 have been completed; and

b) a completion report, evidencing that the completed habitat enhancements for that phase, has been submitted to, and approved in writing by the local planning authority.

15. No development within a construction phase shall take place until an Air Quality Management Plan and Emissions Mitigation Statement has been submitted to and approved in writing by the local planning authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and include the mitigation measures contained within Chapter 6 of the Environmental Statement. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall

be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

16. Prior to the commencement of any groundworks, including excavation or piling within a construction phase an Unexploded Ordnance (UXO) Risk Management Plan (including desk study and risk assessment) shall be prepared in accordance with the recommendations set out in the Enzygo Preliminary Geo-Environmental Risk Assessment where the site is identified as a moderate risk area. The Plan shall include:

    1. Procedures for dealing with UXO if encountered, including emergency protocols.
    2. Contractor training and briefings on the identification of UXO and response measures.
    3. Monitoring arrangements during excavation and piling works, with specialist support available if required.

    The UXO Risk Management Plan shall be kept on site during the construction phases and made available to view at the written request of the local planning authority.

17. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the local planning authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved details.

18. Applications for Reserved Matters relating to layout for any construction phase, shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. No building shall be occupied until the area for parking relevant to that building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

19. Applications for Reserved Matters relating to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any artefacts to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures (seating, refuse receptacles, planters, tree grilles, any other decorative feature(s). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

20. No part of the development within a construction phase shall be occupied until a Landscape Management Plan (LMP), has been submitted to and approved in writing by the local planning authority. The LMP shall include long term design objectives, management responsibilities and maintenance schedules for all hard (including footpaths) and soft landscape areas (except for small, privately owned, domestic gardens) within that phase for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

21. No development within a construction phase shall commence until detailed street designs relevant to the phase have been submitted to and approved in writing by the local planning authority. The submitted details shall include the design of:

    a) Cycle routes
    b) Shared use pavements
    c) Footways
    d) Crossing points

    The details shall identify the purpose of each route (pedestrian only, cycle only, or shared use), showing widths, surfaces, gradients, side road priority treatments and tactile/kerb details, designed in accordance with LTN 1/20 and Manual for Streets; where shared use is proposed, explicit justification against LTN 1/20 Section 6.5 and Table 6 3. A Wayfinding and legibility strategy (signage, mapping, and lighting locations) and inclusive design features and a delivery programme and occupation triggers (including any temporary arrangements).

    The designs shall provide high quality and suitable walking and cycling infrastructure throughout the site, maximising permeability for active travel as illustrated on the indicative plans contained within the Transport Summary Statement. The designs shall also include suitable crossing points to all bus stops. Off road provision for walking and cycling shall be provided along all primary roads. All shared use spaces shall be clearly marked.

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

22. No dwelling hereby approved shall be occupied until a detailed Travel Plan for that phase has been submitted to and approved in writing by the local planning authority. The Travel Plan(s) shall include, but not be limited to:

    a. Updated baseline information, travel patterns and mode share targets appropriate to the relevant phase;
    b. SMART targets for achieving a reduction in single occupancy car journeys and an increase in sustainable travel modes;
    c. Full details of how Bus Priority will be incorporated, including the link between this site (HHH11) and the adjacent site (HHH8)
    d. Full details of the Travel Plan Coordinator, including responsibilities, resourcing and management arrangements;
    e. A programme of measures for residents and visitors to promote and encourage walking, cycling, public transport and other sustainable travel options;

f. A programme of marketing and communication, including travel packs and information for new residents;
g. Monitoring arrangements, including TRICS compliant surveys, timescales, performance indicators and reporting mechanisms to the local planning authority;
h. Review procedures, including triggers for remedial or additional measures should agreed targets not be met; and
i. Implementation timetable, linked to the phased occupation of the development.

The Travel Plan(s) shall thereafter be fully implemented in accordance with the approved details from first occupation of each phase, and all measures, targets and monitoring shall be maintained and reviewed for a minimum period of five years from first occupation of that phase, unless otherwise agreed in writing by the local planning authority.

23. Applications for Reserved Matters for each construction phase shall include details of the measures to address climate change and energy efficiency for that phase. No dwelling within the relevant construction phase shall be occupied until a timetable for the submission of a verification report, prepared by a suitably qualified professional, has been submitted to and approved in writing by the local planning authority. The verification report shall confirm that all approved measures to address climate change and energy efficiency have been fully implemented for each building within that phase.

    Verification reports shall thereafter be submitted to the local planning authority in accordance with the approved timetable, and the approved measures shall be retained thereafter.

24. Prior to the first occupation of any dwelling within each phase or sub phase, details of the areas for equipped play facilities together with the play equipment and safe surfacing (within that phase or sub phase) to be provided shall be submitted to and approved in writing by the local planning authority. The play area(s) shall be provided in accordance with the approved details prior to the first occupation of any dwelling in its respective phase and shall thereafter be retained.

25. No development within each phase or subphase shall take place until a Noise Mitigation Strategy for that phase or sub phase has been submitted to and approved in writing by the local planning authority. The strategy shall provide full details of the measures that will be implemented as part of the development. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before the relevant property is first occupied and shall thereafter be maintained in accordance with the approved details.

26. Prior to the commencement of development of the first phase of development, a scheme of footway improvement, traffic calming and lighting on Ratcliffe Highway between Bells Lane and the site access is to be submitted to and agreed in writing with the local planning authority. In addition to providing an improved footway along the northern side of Ratcliffe Highway between the site access and Armstrong Close, this scheme should achieve and secure lowering speeds toward the main

site entrance and proposed visibility splays from Ratcliffe Highway and any other crossings and shall be implemented prior to the occupation of any dwelling on site.

27. If, during construction, any archaeological remains or features are discovered, all works in the vicinity of the discovery shall cease immediately. An appropriate programme of archaeological investigation, recording and reporting shall then be submitted to and approved in writing by the local planning authority. The development shall only resume and shall thereafter be carried out in accordance with the approved programme.

28. No development within a construction phase shall commence until full details of the safeguarded bus route have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

    i) Swept path diagrams demonstrating the ability of a standard 12 metre single decker bus to manoeuvre along the safeguarded route;
    ii) Evidence of appropriate parking restrictions necessary to ensure unobstructed bus movement;
    iii) Details/plans showing the safeguarding of the connection between this site (HHH11) and the adjacent site (HHH8)
    iv) Plans showing the location of safeguarded kerb and verge space for future bus stops;
    v) Details of the mechanisms to protect safeguarded kerb and verge space for future bus stop use, irrespective of whether roads are adopted or privately managed; and
    vi) Where roads are privately managed, a binding statement setting out how the developer or management company will enable the future construction and delivery of bus stops.

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

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the dwellings approved as part of this outline application shall remain in use as a single family dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use to C4 shall be carried out unless planning permission has been granted on an application relating thereto.

End of schedule