

Applicant Representation

The applicant has proposed a sum of £10,000 to be used for community tree planting schemes, with priority given to schemes which provide screening for views in to or out of the AONB, or alternatively tree planting schemes within 3km of the site boundary. Members may have seen this proposal within lobbying material that has been sent to them.

The following locations have been identified by the applicant at this stage, although the applicant emphasises that no approaches have been made to any organizations at this stage. These are:

- Extensive areas of highway verge, A20/J8
- Cardwell play area, Hollingbourne
- Church Landway Park, Church Lane , Bearsted (adjoins Bearsted Woodland Trust land)

Officer Comment

In line with the CIL Regulations 2010 any contributions must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

The applicant has provided this information at a very late stage. Planting on areas of highway verge could potentially mitigate the impact but it is unknown whether the Highway Authority or Highways England would sanction this. The Cardwell play area in Hollingbourne and land at Church Landway are some distance from the site and would be unlikely to offer views of the development, and so planting here would not be required to mitigate the development.

On this basis, it is not considered that the proposals in their current form would be necessary or directly related to the development and would therefore not pass the CIL Regulations tests. As such, this contribution must be given no weight by Members in making a decision.

It remains open to the applicant to offer this contribution but it should not form part of any legal agreement upon which this permission relies and the applicant would need to agree such planting arrangements separately with landowners. For the avoidance of doubt, this offer should not form part of Members' decision-making.

Representations

The CPRE consider that a decision on the application should be delayed until after the Local Plan examination.

One neighbour representation has been received the following (summarised points):

- Insufficient time to consider Committee report
- Land should not be built on
- Other brownfield sites available
- Congestion and poor public transport
- Lack of infrastructure
- Uncertainty over future
- Loss of wildlife
- Flood Risk
- Pollution

Officer Comment

It is considered that it would be wholly unreasonable for the Council to refuse to determine this application on the basis of waiting for the Local Plan to be examined. Nor is there considered to be grounds for the application to be refused on the basis of a decision being 'premature' in advance of the examination. Following NPPG advice on the matter, the site is allocated within the submitted Local Plan and is an integral part of the Plan. As such, any positive decision is not considered to undermine the plan-making process or warrant an objection to the application on the grounds of prematurity from the Local Authority's perspective.

The Committee Agenda was published in line with relevant legislation at least 5 working days before the meeting.

The other points raised have been considered in the main committee report.

RECOMMENDATION

My recommendation remains unchanged subject to the amendment to the Heads of Terms and conditions, and the additional condition as outlined under the first urgent update report.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to a legal agreement and conditions.