

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **15<sup>th</sup> October 2014**

### **Present:**

Cllr. Bennett (Chairman);

Cllr. Burgess (Vice-Chairman);

Cllrs. Apps, Chilton, Clarkson (ex-officio), Clokie, Davidson, Davison, Mrs Dyer, Galpin, Mrs Heyes, Mrs Hutchinson, Ovenden, Robey, Sims, Wedgbury, Yeo.

In accordance with Procedure Rule 1.2 (iii) Councillors Chilton and Sims attended as Substitute Members for Councillors Britcher and Heyes respectively.

### **Apologies:**

Cllrs. Britcher, Heyes.

### **Also Present:**

Cllrs. Mrs Blanford, Davey, Hicks, Hodgkinson, Link, Miss Martin, Mrs Martin, Michael, Shorter.

Strategic Sites & Design Manager, Principal Strategic Sites Planner, Deputy Chief Executive, Cultural Projects Manager, Policy Manager, Principal Solicitor (Strategic Development), Principal Urban Designer, Senior Solicitor (Strategic Development), Housing Enabling Officer, Senior Member Services & Scrutiny Support Officer, Member Services & Scrutiny Support Officer.

Mary Gillett – Major Projects Planning Manager - KCC, James Hammond – Strategic Transport & Development Planner - KCC, Barrie Neaves – Growth Manager – Environment Agency, Abigail Raymond – Spatial Planning Manager – KCC.

Head of Planning & Development, Head of Community & Housing, Development Control Manager, Communications & Marketing Manager, Principal Policy Planner.

Prior to the commencement of the Meeting the Chairman welcomed all present including those in the public gallery and the Committee Rooms below the Council Chamber where the proceedings were being relayed. He said that tonight the Planning Committee were going to debate and decide on the largest ever application brought before this Council and because of the huge amount of public interest the Committee had agreed at its August Meeting to amend procedures for tonight to allow a wider range of public participation.

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He advised all present that a request had been received from Ashford Hospital Broadcasting Service to record the Meeting for broadcast at a future date. Members of the press had also requested to take photographs.

He said he knew much passion had been expressed over this application and no doubt that would be expressed by speakers tonight. However he wanted to remind everyone that these were formal proceedings and the Committee was charged with making an important decision which he hoped would be respected and allowed without interruptions. Normally, just one speaker for and one against, plus the Parish Council was allowed to address Members for three minutes. Tonight that had been extended to a maximum of ten speakers for and against that could be heard for up to five minutes each. Four speakers in favour of the application had been registered, along with ten speakers against who would be heard first.

The Chairman then introduced the Officers present from Ashford Borough Council, Kent County Council and the Environment Agency. He finally reminded Members that they had before them some confidential papers and if any Councillor intended to raise or refer to matters from these papers, they must indicate in advance as normal so that the Committee could resolve to go into private session without the public and the press present, before the matter could be discussed.

## 192 Declarations of Interest

<b>Councillor</b>	<b>Interest</b>	<b>Minute No.</b>
Bennett	Made a 'Voluntary Announcement' as a member of the Weald of Kent Protection Society.	194 – 12/00400/AS
Mrs Blanford	Made 'Voluntary Announcements' as follows: As Ward Member for a large part of the Chilmington site she knew a number of people both for and against the proposal, and as a member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	194 – 12/00400/AS
Burgess	Made 'Voluntary Announcements' as he lived in Weald South Ward but did not own property and had no financial interest and as a member of the Weald of Kent Protection Society.	194 – 12/00400/AS
Clarkson	Made a 'Voluntary Announcement' as a member of the Weald of Kent Protection Society.	194 – 12/00400/AS
Clokie	Made 'Voluntary Announcements' as he knew a number of people in Chilmington but he	194 – 12/00400/AS

<b>Councillor</b>	<b>Interest</b>	<b>Minute No.</b>
	would not be affected financially by the proposal and as a member of the Weald of Kent Protection Society.	
Davison	Made a 'Voluntary Announcement' as he knew a number of local residents in his role as one of the Ward Members for Weald South but none that he classed as close associates.	194 – 12/00400/AS
Hicks	Made a 'Voluntary Announcement' as she lived in Magpie Hall Road but her financial position would not be affected by the proposal.	194 – 12/00400/AS
Hodgkinson	Declared an 'Other Significant Interest' as she knew residents in Great Chart and Chilmington who she considered personal friends. She spoke as Ward Member and then left the Council Chamber before the debate and vote. She also made a 'Voluntary Announcement' as a member of Great Chart with Singleton Parish Council.	194 – 12/00400/AS
Mrs Hutchinson	Made a 'Voluntary Announcement' as a member of the Weald of Kent Protection Society.	194 – 12/00400/AS
Shorter	Made 'Voluntary Announcements' as Ward Member for the adjacent Ward of Washford, a member of Kingsnorth Parish Council, a resident of Magpie Hall Road and Chairman of the Chilmington Green Community Management Organisation Advisory Group. His financial position would not be affected by the proposal, nor would that of any of his close associates.	194 – 12/00400/AS
Wedgbury	Made 'Voluntary Announcements' as a member of Kent County Council, a member of Kingsnorth Parish Council and as he had attended meetings of Great Chart with Singleton Parish Council when this issue had been debated.	194 – 12/00400/AS

## **193 Minutes**

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 17<sup>th</sup> September 2014 be approved and confirmed as a correct record.**

## **194 Schedule of Applications**

**Resolved:**

**That following consideration of (a), (b) and (c) below,**

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The indication of the Parish Council's/Town Council's views**
- (c) The views of Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)**

**Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'**

**decisions be made in respect of Planning Applications as follows: -**

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<b>Application Number</b>	12/00400/AS
<b>Location</b>	Land at Chilmington Green, Ashford Road, Great Chart, Kent
<b>Grid Reference</b>	98019/40239 (centred on the centre of Hamlet)
<b>Parish Councils</b>	Great Chart with Singleton Kingsnorth Shadoxhurst
<b>Adj. Parish Councils</b>	Bethersden Hothfield
<b>Wards</b>	Great Chart with Singleton North Washford Weald South Singleton South Downs West
<b>Adj. Wards</b>	Beaver Godinton Weald Central
<b>Application Description</b>	Hybrid Outline application for a Comprehensive Mixed Use Development comprising: <ul style="list-style-type: none"><li>• Up to 5,750 residential units, in a mix of sizes, types and tenures;</li><li>• Up to 10,000 sq m (gross external floorspace) of Class B1 use;</li><li>• Up to 9,000 sq m (gross external floorspace) of Class A1 to A5 uses;</li><li>• Education (including a secondary school of up to 8 ha and up to four primary schools of up to 2.1 ha each);</li><li>• Community Uses (Class D1) up to 7,000 sq m (gross external floorspace);</li><li>• Leisure Uses (Class D2) up to 6,000 sq m (gross external floorspace);</li></ul>

- Provision of local recycling facilities;
- Provision of areas of formal and informal open space;
- Installation of appropriate utilities infrastructure as required to serve the development, including flood attenuation works, SUDS, water supply and wastewater infrastructure, gas supply, electricity supply (including substations), telecommunications infrastructure and renewable energy infrastructure (including CHP in the District Centre);
- Transport infrastructure, including provision of three accesses on to the A28, an access on to Coulter Road/Cuckoo Lane, other connections on to the local road network, and a network of internal roads, footpaths and cycle routes;
- New planting and landscaping, both within the Proposed Development and on its boundaries, and ecological enhancement works; and
- Associated groundworks
- Where appearance, landscaping, layout and scale are reserved for future approval and where access is reserved for future approval with the exception of the three accesses on to the A28 and the access on to Coulter Road/Cuckoo Lane.

**Applicants**

Hodson Developments Ltd.,  
Malcolm Jarvis Homes Ltd.,  
Pentland Homes Ltd., and  
Ward Homes (a Trading name of BDW Trading Ltd.).

**Agent**

Sellwood Planning, Stoughton Cross House,  
Stoughton, Wedmore, Somerset, BS28 4QP

**Site Area**

415.29ha (1026.2 acres)

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## Consultations Summary

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| (a) 2,619/134R, 9X,<br>1S          | (b) X,<br>X,<br>X | (c) KHS X; NHS S; NHS F X;<br>NHS X; HM R; SW X; ESM<br>R; ES (Contracts) R; EHM<br>(EP) X; NE X; KWT X; EA X;<br>PO (Drainage) X; HA R;<br>FIRE X; CACF X; CV X;<br>CPRE X; EKCC X; SC X;<br>KMG X. |
| (a) <u>Amendments</u><br>2,619/17R | (b)               | (c) EKHNHS X; EH R; HA X;<br>NE X; ACCG X; PALO X;<br>BHS X; KICOC X; KWT X;<br>EA X; SC X; SW X;  |

The Strategic Sites & Design Manager directed Members' attention to the Update Report. There were several points to take note of including: -

- An update to paragraph 206 of the report and Head of Terms 29 and Conditions 29 to 32 regarding the A28 improvements.
- Some minor amendments to the report.
- The receipt of a further consultation response from Sport England removing its objection to the application, subject to the proposed financial contribution and phasing details included within the draft Heads of Terms being secured by way of a Section 106 Agreement.
- The receipt of four further representations from local residents in objection to the application, as well as reference to two others which had been received following production of the Update Report.
- Revisions to the Heads of Terms.
- An addition to the recommendation in that approval be subject to the receipt of an amended site plan deleting areas of land not owned by the applicants.

In accordance with Procedure Rule 9.3 Mr Williamson, a local stakeholder, attended and spoke in objection to the application. He said he was a resident of Chilmington Green Road and opposed this ill-considered scheme purely and simply because both Ashford Borough Council and the Government had said on numerous occasions that they were listening to the community. However, he doubted that. Ashford Borough Council had said they were adopting a plan that was supported by the majority of stakeholders and residents. Having spoken to the residents of the Hamlet and the surrounding villages he knew that the vast majority were opposed to

the development. He said that the Councillors had been elected by the people of Ashford so what gave them the audacity to ignore the vast majority of people and impose a 'horrendous carbuncle' of a development on them when they were supposed to live in a democracy. As Members would be aware, over 8000 people had signed a petition showing their opposition to the plan and when a local referendum was conducted over 90% voted against it. In his view this had again been totally ignored. Residents had explained many times that the plans were at least ambitious and at worst unsustainable as there were no new hospitals planned – the William Harvey was already well over capacity with falling standards. Additionally no new reservoirs planned before 2030. The plan was supposed to be jobs led, yet the only jobs that appeared to be being created in Ashford were very low paid ones or temporary construction jobs. With no decent jobs being created in Ashford, most people had to commute to London and beyond to work. Rail fares were extremely expensive too, so how could a person on an average wage afford to buy or even rent a home? Both the Government and the Council must realise that it was young and single people who were struggling to get on the housing ladder. Assuming someone could get enough money together to buy or rent, they then had to contend with traveling to the M20 via the bottlenecked A28 and other already stretched local roads. There was potential traffic chaos here affecting many villages. Mr Williamson said he had seen a recent story on the national news stating that builders did not want to build houses because they were having terrible difficulty selling the homes when completed because incomes had not kept pace with inflation and people were poorer now than they had ever been due to Government cutbacks. If this scheme was allowed and the consortium was given the right to build on green belt land, he considered they would just hold on to the permission or sell it on and pocket millions of pounds at the expense of the people of Ashford and the surrounding areas. In summary he said he thought it was wrong to allow a few stakeholders with personal agendas to ruin forever 1000 acres of beautiful countryside leaving local people unable to sell their homes because they were blighted for the next 25 to 30 years with no mention of compensation for those affected.

In accordance with Procedure Rule 9.3 Mr Taylor, a local resident attended and spoke in objection to the application. He said it was clear that there were already severe infrastructure problems in this country in general and here in Ashford in particular. He said that roads were congested and crumbling, schools suffered from overcrowding and hospitals were struggling to manage and being put in special measures. At the same time, projects like those at Chilmington Green aimed to increase the population by 20,000 people or more, putting further strain on public services. Why this was planned remained a mystery. In his view it was not needed by the people of Ashford and would not help them to have better lives. On the contrary, although the planning process used appeared to cover all the bases, at its heart it was deeply flawed. As any manager would tell you, before you embarked on a project you should ensure that all of the conditions for final success were met and in his view that was not happening. He contrasted the planning process here with one he had experienced in Palm Coast, Florida, whereby many times the number of homes envisioned here had been built, but by law no development had been allowed or buildings of any type had been erected until all of the public services and utilities had been in place. Roads had been laid across the entire site, utilities such as water, sewerage and electricity had been connected and telecommunications lines had been laid under lift up pavements which meant an end to digging up pavements for



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repairs. This up-front investment had drastically reduced the cost of future maintenance and helped minimise future congestion. Additionally, once the infrastructure was in place developers were able to build and connect houses quickly, cheaply and efficiently without the mud and chaos which he considered typified building sites in this Borough. In terms of what should be done at Chilmington Green, Mr Taylor thought the first step should be to calculate the final numbers and demographics of people and vehicles to be introduced in to the area. From this it would be possible to calculate the requirements for schools, hospitals, surgeries, social services, roads etc. as well as the utilities of water, sewerage, gas, electricity and communications that also must be provided. In his view development should not then start until all those were in place. Just as important was the effect on infrastructure in the surrounding areas which had to be taken into account and improved before building could take place. As an example he said that the Chilmington Green development would result in a further 10,000 or more cars using already congested roads and the A28 would need to be widened to three or four lanes or, even better, bypassed altogether. It may be argued that this was unaffordable, impractical and could not be done and Mr Taylor said he agreed and that was perhaps the best argument against the project. He concluded that it could not offer a better quality of life for the current and future population of the Borough and therefore should be scrapped now. If it could not be done properly it should not be done at all.

In accordance with Procedure Rule 9.3 Mrs Hopkins, of the Keep Chilmington Green Campaign and a local resident, attended and spoke in objection to the application. She said that Ashford had built sufficient homes for its local population, including a significant contribution towards the national housing stock, and there was no need for more. Many developments were underway but she considered there remained a clear lack of joined up thinking leaving many issues unresolved. As examples she referred to Brisley Farm where residents had had to fight for eight years for a bus service which should have been included in original plans. Also land that had been earmarked for shops and doctors surgeries was now housing which forced people to travel for miles for these basic facilities. People living between Great Chart and Singleton were trapped twice a day due to congestion around the two schools, a problem which should never have occurred, yet another 60 houses and school extension were both recently approved. She considered residents were paying too high a price for poor planning. She also referred to flooding which affected many areas of the Borough and Chilmington was low lying. She said that once the area was covered in concrete this would flood homes instead of fields and installing SUDS would do little as at Park Farm these were choked with weeds and rubbish. With regard to wildlife, this would be forced to move again and bio-diversity would suffer regardless of mitigation measures. Mrs Hopkins said that other reasons for objection included health. The William Harvey Hospital was in special measures, failing in the care it provided, and other essential services were at breaking point and ignoring this fact and doubling the population would do further damage to critical services such as fire, police and ambulance. In her view it was unsafe and negligent to increase demand on those services and the Planning Committee should be held responsible if they chose to ignore these grim warnings and approve Chilmington Green. Education services faced huge budget cuts so she considered that the funds needed for the five schools would not magically appear. Schools were already oversubscribed yet neither Bridgefield nor Finberry had built any. Transport was also

a major issue. Roads were gridlocked daily and granting Chilmington Green would bring further decades of construction traffic and upheaval to the A28 and again she considered a lack of forward funding and thinking was evident. She said that new developments should install electric car charging points and the rail line should be extended in to this new commuter town to reduce car journeys. With regard to employment, Mrs Hopkins said that the Core Strategy stated that development should be jobs led but this was not happening. Chilmington Green was due to provide up to 1000 jobs by its completion, but what about the other 9000 people who were likely to live there? She said they would compete with the current population for every job and unemployment would rise as a result. The Eurozone was still in recession and businesses were not taking risks or expanding to give the employment needed in the UK. KCC had recently announced a further £206m budget cut and she said that they did not have the money for infrastructure to cope with 31,000 new homes in Ashford and this was a valid reason to stop Chilmington. Local Authorities had profited from 20 years of development with ample chance to upgrade roads and amenities yet she considered every scheme brought further chaos to Borough residents. She said that Ashford Borough Council and the developers were very quick to promote the next 'vibrant and exciting place to live' but left previous sites waiting many years for promised services and residents were sick of empty words and empty visions. She considered that Ashford was now a vast, disjointed urban sprawl lacking basic infrastructure or amenities which did nothing to encourage people to the area. Ashford competed with every other expanding town in the county and with Central Government support, Ebbsfleet's plans for 15,000 homes much closer and cheaper to access London would be far more attractive. She concluded by saying that she thought today's outcome was pre-determined and once again valid objections would fall on deaf ears which did not bode well for the future of Chilmington. She hoped that 2015 would see a new era of politics in Ashford where those elected would be confident that they had a clear mandate to cancel all greenfield development. To destroy 1000 acres of beautiful Kent countryside by building an unwanted brick and concrete monster in her view was nothing short of vandalism.

In accordance with Procedure Rule 9.3, Mr Durrant, a local resident, spoke in objection to the application. He said he had been a resident of the hamlet of Chilmington Green for 20 years. He objected to the development on the grounds of the unnecessary destruction of some thousand acres of countryside that could never be replaced and the obliteration of a rural hamlet against the wishes of local people when the facts showed there were alternatives. There had been a settlement in the hamlet, probably going back as far as Roman times. It housed some 11 listed buildings, many of which went back to the Tudor period. In his view, any reasonable Borough Council would wish to protect the hamlet and possibly to make it a conservation area. It was probably of more historical interest than The Street in Great Chart. This could not happen in the hamlet as the developers owned land which they intended to develop. He considered that for financial reasons the interests of developers were taken into account at the expense of a historic hamlet. Development should be jobs led. In the mid nineteenth century housing and infrastructure expanded in response to the coming of the railway works. Employment numbers in Ashford had remained largely static after taking job losses into account. Ashford should be building for local needs plus a contribution to national requirements, which could be accommodated within the still large brownfield

sites. This would fulfil Ashford's needs for many years to come. He did not think that Ashford Borough Council had explained why they needed to build on the countryside or for whom they were building. There was no evidence of any massive industry coming to Ashford to sustain such development. When growth area development started in Ashford, it was agreed that development must be central and concentric and on brownfield sites, yet this was not happening. Residents were told that water and hospital facilities would be no problem, though expert advice stated otherwise, all of which had not even been questioned. The proposed development was so large that it would place significant additional pressure on the services and infrastructure of Ashford and the surrounding areas. Local Councillors were expected to listen and act upon the wishes of people who had elected them. He thought it was appalling that the local MP, Ward Member and Parish Council were not prepared to listen to the concerns of the people who had elected them. Mr Durrant said that he thought ABC had shown utmost contempt to the views of the people of Ashford by ignoring a petition of over 8,000 signatures collected almost entirely of residents in the Ashford area. He said he had been proud to stand with his colleagues on the steps of no 10 Downing Street and face the TV cameras and deliver the petition to the Prime Minister on behalf of the people of Ashford. Within days a letter was sent to no 10 signed by more than one Ward Member asking the Prime Minister to reject the petition. He considered this was arrogance and an insult to the people of Ashford and surrounding communities. Later, a referendum was organised within the Parish of Great Chart with Singleton asking for the view of the parishioners. Over 80% responded objecting to the development. Both the petition and referendum had been ignored by ABC and not even referred to during the public enquiry. Councillors were elected to represent the views of their constituents but he did not think this was happening in Ashford. It appeared that the democratic and planning systems were being subverted in favour of the interests of developers. What was the future for the residents of the hamlet? Some 25 years of disruption at the will of the developers. He thought it was morally wrong that developers walked away with vast profits while those remaining in the hamlet were unable to sell their homes except at ridiculously low prices. This was already happening. There should be a means of compensation for those who lost out financially when they tried to sell their homes when others made substantial profits, but he felt there was little chance of this in Ashford. Residents of Chilmington Green had not given up and would fight to protect their hamlet and their properties but for all the grand planning that had been discussed, developers would only build what was profitable. He thought the result would be an extension of the urban sprawl which surrounded Ashford. In the coming May elections Mr Durrant hoped and prayed that the people of Ashford would elect an MP and Ward Members who would listen to the views of those who had elected them.

In accordance with Procedure Rule 9.3, Mr Parritt, a local resident, spoke on the application. He said he wanted to comment on the master plan as he lived in the epicentre listed building of the project. His comment concerned the traffic calming around the hamlet. The masterplan constantly referred to the need for traffic calming to the hamlet and made sensible suggestions about the Bartlett Farm end and Chilmington Green Lane. The gap in the plan was in the south where, although there would be Orchard Way and the Chilmington Brook if the plan was agreed, Chilmington Green Road would still run straight through the building. Past experience with previous developments such as Park Farm, the Designer Village,

High Speed Rail, Cheeseman's Green etc. had shown previously quiet roads becoming main thoroughfares. Bearing in mind what Officers had said, he understood this was not a meeting that was dealing with detail, but his request was that in line with the masterplan, where traffic calming was to be put in place around the new hamlet, Chilmington Green Road be a fundamental part of that planning.

In accordance with Procedure Rule 9.3, Mr Carr, of the Keep Chilmington Green Campaign and a local resident, attended and spoke in objection to the application. He said he lived in Kingsnorth but would be heavily affected by this development. He said he thought the development would be a disaster for Ashford. He had thought long and hard about whether to speak at this meeting or whether he was wasting his breath given that no one had listened to residents up to now. He had been a resident of Ashford for 35 years and moved to his present house four years ago. Before committing to buying the house he had asked three members of the developer's sales team, including the Area Manager, if there were any other developments planned for the area and the answer was an emphatic no. Nothing showed up on Solicitor's searches, he then went to Ashford Borough Council and asked the same question and again the answer was no. Once he moved in he then found that only 500m from his home would be the edge of this massive carbuncle of a development. He said that since moving to Ashford he had always read the Kentish Express cover to cover and he had never read anything about Chilmington Green, so he was concerned that this had been kept quiet for a reason. As a result he had joined the Keep Chilmington Green campaign and over 8000 signatures had been collected in objection but he said this had been ignored by the Council. No copy of the petition had been given to the Inspector until they had intervened. The anger of people on the doorstep had been tangible with some of them wanting a march on the Council in protest and even to lie down in front of diggers. It would be interesting to see how most of those 8000 people would vote in 2015. At the Inspector's Enquiry, CPRE's water expert, who was convinced there would not be enough water, had not been called to the meeting. It had been stated that that the development would be of the highest quality, but Mr Carr said that if his present house was anything to go by it would not be. He had experienced 45 faults so far and counting and he thought house builders would have to massively up their game. Mr Carr said that it appeared there was more to this development than met the eye. He still had an email from a Councillor saying that these houses had to be built to house the 5000 increase in population each year, mainly through immigration. So was immigration the reason for this development? He could supply a copy of that email if requested. He said there was no need to destroy 1000 acres of prime farmland to build such a monstrosity, especially as the Government was now backing a garden city in Ebbsfleet. Who would want to live in Ashford when they could be in Ebbsfleet – only 10 minutes from the City and on the doorstep of Bluewater. The main reason for objection was a lack of infrastructure. He said that Ashford was already gridlocked now so how bad would it be when, based on KCC's own figures, an extra 46,000 car movements per day were taking place when this development was complete. He said that the dualling of the A28 would do nothing as traffic would all back up at the Drover's Roundabout which you already struggled to get through. This, added to other disasters overseen by this Council such as the Ring Road and Shared Space, would come back to haunt any future Council but by then it would be too late and most of the present Administration long gone. He said he'd like to remind all Councillors that they were elected to serve the people of Ashford, but this did not appear to be happening and

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decisions were being made with little regard to the will of the people. He implored Members of the Committee to think long and hard before they made their decision and not listen to the Party Whip.

In accordance with Procedure Rule 9.3 Mr Thompson, a local resident, attended and spoke in objection the application. He said he opposed the application as a whole, but given that he understood it was virtually certain to be allowed he was limiting his comments to the junctions on the A28 which he understood were one of only a few matters that were due for detailed planning permission at this stage. He was extremely concerned that even at this early stage there appeared to be a major departure from the Area Action Plan (AAP). Firstly the change of position of junction B on the A28 which in the original AAP would be a signal controlled crossroads at the junction of Goldwell Lane and the Ashford Road to Great Chart, but had now changed position to right outside his house which was a listed building. He considered that their concerns had been glossed over. The traffic lane exiting the development would be exactly opposite their house, their view would no longer be a hedgerow but would be straight in to the development, headlamps would shine straight in to their windows and they would have the usual issues associated with junctions such as harsh braking, turning and acceleration noise at all times of day and night together with street lights. The road would be crowded in to a very narrow carriageway bearing in mind the filter lane for vehicles turning right. Their house was vulnerable being close to, but considerably lower than, the carriageway and as this stretch of the A28 was virtually empty of houses, he was amazed that this particular position had been chosen. Anywhere else would have been better. It meant a fundamental change of setting to their listed building and showed no respect. He considered it also made a mockery of all of the assurances in the AAP. Under the stated vision in the AAP one of the eight key aims was to “respect and integrate heritage buildings as part of a well-planned layout” but the changes appeared specifically contrary to Policy CG1 on two points – (f) “to positively respond to the distinctive landscape character and assets of the site including heritage buildings” and (g) – “well defined edges” - there would be no hedge line to shield his listed building from the development. He considered that the reasons given for the change were vague and insufficient – “safety” which was not explained further and “insufficient likely demand from the development to justify traffic lights”, which he doubted was true and completely ignored traffic trying to enter the A28 from the existing Goldwell Lane junction. He often had to wait several minutes to exit that junction and the situation would only get worse with the traffic exiting the development. On top of this he considered there was a further breach of the AAP in that according to Policy CG11 junction B was supposed to be the minor junction of the three junctions on the A28. Roundabouts A and C were supposed to be the “principal vehicular access”. They had now been told that up to 1500 homes could be built before roundabouts A and C so this minor downgraded junction B would become not just the principal access from the A28, but the only one in the early years of the development. He said this was contrary to Appendix 3 of the AAP - the Infrastructure Delivery Plan, which required roundabout A to be built prior to any further development. He believed a school was due to be built by the time 1500 homes were in place so he was concerned that this downgraded junction was going to have to handle the entire load of traffic from the west of the development including school traffic and presumably all construction traffic. With regard to safety, at their house they daily heard traffic well in excess of the speed limit and there would be no

roundabout A or B to slow the traffic, no traffic lights and there were a large number of users of the existing junction at Goldwell Lane who were slow moving farm and equestrian vehicles trying to enter the A28. All of this added up to a dangerously irresponsible proposal in his view. He said he hoped he was wrong, but if the proposal went ahead he fully expected accidents and probably fatalities. Some of the traffic trying to enter the A28 would undoubtedly decide to avoid this and head through Great Chart village instead, which was again contrary to Paragraph 9.28 of the AAP which was supposed to discourage this. In summary, Mr Thompson said that the proposed new location for Junction B was deeply irresponsible, extremely dangerous and took no account of existing residents. It was directly contrary to the AAP and the original location was better for a multitude of reasons as the road there was wide, there was plenty of room around it, it would allow traffic to enter the A28 from the west, would be far safer and there would be no residents adjacent to it. He thought the proposal should return the junction to the original location in the AAP. In an ideal world he thought the AAP should also be respected in requiring roundabout A to be built first and used by all construction traffic. If not then he thought this was all the more reason to not cut corners with junction B and return to the original plan and location for that junction. Speaking generally he said that these junctions were the first detailed planning applications to be considered and he sincerely hoped that the AAP was to be respected. If not it would send a message that the justified concerns of local residents were held in contempt and the AAP was not worth the paper it was written on which would not bode well for the rest of the development, assuming, as regrettably seemed likely despite overwhelming opposition, the development was allowed to proceed.

In accordance with Procedure Rule 9.3 Mr Cobley, a local resident, attended and spoke in objection to the application. He said he lived in Ashford Road, Great Chart overlooking the proposed development. Naturally he was opposed to the development however he recognised there was a great need for homes to be built to meet the ever-increasing housing requirement in the south east of England. The site was the subject of a Policy in the Council's adopted Core Strategy and AAP and he therefore saw this as an opportunity to influence what was built and where it was built on the scheme if it was to go ahead. He viewed his house, although only a postage stamp when taking into account the 1000 acres, as his castle. So if the scheme was to go ahead he wanted to ensure that the designs for infrastructure, amenities, open spaces and the homes themselves respected the existing environment and the settlement of the hamlet of Chilmington Green and also the existing buildings around it which would be greatly affected. He said he could not see the sense, purpose or benefits of priority junction B to the A28, the recent repositioning of which was the absolute worst case for himself, as he had recently moved away from a T junction to his current residence so he was well aware of the unwanted intrusions that came with such junctions. Therefore he said at the very least he would seek a clear commitment from the developers and Local Authorities that he would be consulted and engaged on the final design of that immediate area in particular. He said that the application before the Committee was in outline form only and did not include detailed designs at this stage and therefore he wished to see a commitment from the applicants and the Council that a Liaison Committee would be established involving key stakeholders and residents to influence and inform the detailed designs for this scheme. This could be done by way of a planning condition. This was a scheme of substantial size and was likely to take some 25

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years to complete, therefore he considered this was a great opportunity to plan an exemplary scheme for the future. This development was likely to become the heart of the local community, so people like him should have the opportunity to be involved.

In accordance with Procedure Rule 9.3 Mr Francis, a local resident, attended and spoke in objection to the application. He said he lived in Kingsnorth and he was a Chartered Engineer familiar with working on large construction projects. He said that he objected to the Chilmington Green development as it was not in the best interests of Ashford residents, was unnecessary and environmentally irresponsible. Every one of his neighbours and other Ashford residents he had spoken to, without exception, were against the development. He considered that communication from the Council regarding Chilmington Green had been extremely poor during the initial stages. He had lived in Kingsnorth since 1993 and was only made aware of the development by a fellow resident when they had come to his house with the petition. By this time the Council was already well advanced with its planning. He considered the development would have a serious negative impact on the town's transportation infrastructure which was already creaking under the never ending development as any resident who had tried to drive from one side of Ashford to the other at rush hour would be all too aware of. What used to be a five minute journey was now 15 minutes or more. The addition of 5000/10,000 more vehicles did not bear thinking about. He said that a serious consequence of covering 1000 acres of soil with tarmac and concrete would be the reduction of natural absorption of rainwater into the ground and a significant increase in the risk of flooding in the Chilmington vicinity and the wider Ashford area. He said he remembered a serious flooding event in the winter of 2000/2001 which affected Kingsnorth and Ashford town centre. Since that time there had been unrelenting development and many thousands of new housing units and additional support buildings and roads had been constructed. He said it was well known that extreme weather conditions had become more frequent and heavy rainstorms would inevitably be more common. The present flood control measures had not been tested by heavy rain events since that earlier flooding incident, without taking into account subsequent and future building including Chilmington Green. He said the vegetation clearance would also impact negatively on Ashford's carbon balance and contribute further towards global warming. The services of water, waste water and its supply and management also appeared uncertain, not to mention healthcare, schools and policing. Mr Francis said that concreting over agricultural land at a time of world food shortage could not be morally right. The extent of the top quality arable farmland at risk was clearly shown in the impact assessment by the consultants Turkington Martin. In his opinion this was outrageous and he urged everyone to have a look at this study which had only recently been uploaded on to the website. It had given him a real shock. The present Government had stated a policy to build more houses but had been a bit vague as to who those houses were aimed at. It certainly did not appear to be the residents of Ashford. Surely the extensive brownfield sites in Ashford and wider Kent should be utilised before destroying yet more of England's green and pleasant land. He asked what the legacy would be for future generations of Ashfordians. In conclusion he said he did not understand why the majority of Councillors had ignored the almost universal opposition to this development from residents as evidenced by the 8000 plus signature petition and 140 letters and rising lodged on the Council's website. He hoped the Councillors would be brave and act in the interests of the people of

Ashford as in his opinion the Chilmington Green development made no sense at all on any level.

In accordance with Procedure Rule 9.3 Mr Peach, a local resident attended and spoke in objection to the application. He said he had previously submitted his valid logical and legal reasons why the Chilmington Green application to build 5750 new houses, a new high street, shops, roads etc. should not be given permission. He was sure Members had taken the time to read his and other's views thoroughly. The application was looking to tarmac over 1000 acres of prime arable land, extending several miles along the A28 from Singleton and Great Chart and nearly touching Bethersden. This would wipe out Chilmington Green completely in one fell swoop. If successful this application would mean that even more food would have to be imported to Britain. Britain had currently reached its maximum potential to feed its own inhabitants, reliant on imports and the massive impact the logistics of this forced upon this planet. He said anyone who had driven along the A28 towards Ashford in the morning would know about the severe traffic back-ups all the way from Loudon Way to the Singleton roundabout and Tithe Barn Lane each day. This application wanted to thrust in excess of an extra 13,000 people in to an area that had no decent or planned main road links. It wanted to place a secondary school at a main junction that saw serious accidents every other week. He said that traffic would back up to Old Surrenden Manor Road on the A28 every day. He asked if it was logical to add more traffic on to a road that was already overused and at capacity and why did the Ashford Borough need a further 5750 homes. The simple answers to these questions were no and that it did not. The only parties to benefit from the application would be the landowners, the building companies and Ashford Borough Council. He said that they would be rewarded with a substantial sum of money, some might say an inducement. He asked what the Council would do with that money. He considered they would waste it on pet projects that would not be adequate for the residents of Ashford despite the vast sums wasted on them. He said that it appeared Ashford Borough Council no longer represented the views of its people and like the major political parties in this country they appeared to think they had the right to do what they wanted rather than what they were elected to do, which was to serve the best interests of the people of Ashford Borough, not the interests of their political parties, the EU or the hundreds of thousands of people coming to this country each year. He considered Ashford's High Street was critically ill, lacking any real leadership or ideas to bring it back to life. The Council had allowed massive out of town supermarkets to be built all around the area which in his view had ripped the heart out of the Borough. He thought this development would add a further nail to the coffin of Ashford bringing with it a brand new high street, shops and facilities all in direct competition to the main high street. Mr Peach said it felt like the Council had given up and believed that new was the only way forward. He said that everyone needed to work on breathing life back in to the town rather than out of it and the expansion of the Designer Outlet, whilst on face value a welcome addition to the town centre, could be combined going forward. If the Council really believed the town needed another 5750 houses, they should use some logical and joined up thinking and use brownfield sites which there were so many of around the town. Additionally there were 39 Parishes in the Borough of Ashford and the application equated to 225 new houses in each of those Parishes. This would be between 20 and 25 a year for a 10 year period, in established areas which already had facilities, halls, roads, Parish Councils and sports facilities. Bringing the local pubs, shops and small



businesses where people could work close to home, back in to fashion. He considered this could all be done with joined up thinking and brainstorming. It might not be the easy option that Chilmington Green was, but it was a serious and logical option and one that could help facilitate the local communities again that had been lost over the last decades. This would also bring jobs to local builders, suppliers and shops and keep the money local. He said that the Chilmington development would bring 13,000 people in to one area and approximately 6000 of those would need jobs but it was not clear where they would come from. Perhaps 2000 in the local schools, shops etc. but 4000 others would be looking for jobs and Ashford did not have 4000 spare jobs. People would therefore have to commute out of Ashford by car, bus or train, all at a similar time and using the same transport networks. He concluded by stating that 8000 people had signed a petition against Chilmington Green and the Committee could not ignore those people. They were not all NIMBYs. Many more Ashford residents knew little about this application because in their ignorance they believed it did not affect them, but he said it did and it would. It would change everyone's life even just a little. He said Ashford needed a theatre, ice rink, family entertainment areas and places for the residents that were already here. It did not need more houses. He hoped that the Council would not use an outdated Local Plan from a previous Government as an excuse to agree to this desecration of their children's future. There were other options and they had the power to say no to this. It was not too late and their legacy as Councillors to the people of Ashford could be that they did what was best for them by not agreeing to this application and they listened to them and stood up for common sense and had the moral fibre to do the right thing.

In accordance with Procedure Rule 9.3, Mr Sellwood, on behalf of the Applicants, attended and spoke in support of the application. He said that the Committee had so far heard from those with concerns and he wished to set out the case in favour of the application. Tonight was the culmination of over ten years' work. It had been a long process of putting forward ideas, consultation with local people and a wide range of other groups, revising ideas and gradually moving forward, but today was a milestone. The Government, in the NPPF, stated that the planning system should be genuinely planning led, and where an application accorded with the development plan, it should be approved without delay. In this case the development plan could not be clearer. The Core Strategy had been endorsed by an independent inspector in 2008 and it identified an urban extension of around 7,000 dwellings at Chilmington Green. This was followed by the Chilmington Green AAP which had teased out the detail of what sort of place Chilmington Green should be. It was because it had been decided that there should be a lower-density, greener development of more spacious homes, that the AAP reduced the headline figure of houses from 7,000 to 5,750. This was consulted on several times, amended, considered by an independent inspector and approved last year. Notwithstanding this, he said the Applicants were acutely aware of the responsibility which came with a development of this size. The decision of Members to promote the development at Chilmington Green was a conscious reaction to the alternative, which would be a large number of small sites around the Borough which would have little individual or local identity, and importantly, would not be able to fund the necessary social and physical infrastructure. Instead, Members had taken the decision to favour a high-quality, mixed-use urban extension which could provide a full range of social and physical infrastructure. As had already been heard from previous speakers, the provision of

infrastructure was a major concern. It had been agreed with Officers how the Section 106 would deliver a comprehensive package costing over £100m. The highlights of this package by topic were: firstly, sport and open space. There would be 155 acres of various types of open and green space. The first phase of the Discovery Park to be established would include a £5m new sports hub building plus £2m towards the laying out of the pitches. Turning to community buildings, in the district centre there would be a multi-purpose community building costing £5m and in each of the two local centres there would be a smaller community building at about £<sup>3</sup>/<sub>4</sub>m each. Affordable housing, an important topic: there would be a mix of social rent and shared ownership all built to Lifetime Homes Standards. Transport was an obvious area of concern, and a full package just on transport was around £50m. The headlines from this were £30m+ towards upgrading of the A28, which it had already been confirmed this evening would be delivered by the County Council. £3.5m would go towards bus services and bus priority works. £2.5m would be spent on bus vouchers for incoming residents to encourage them to use the buses, and £450,000 towards off-site traffic calming on local roads, including a new footpath on Magpie Hall Road. Finally, education was always an area of concern. The Chilmington Green site would provide its full infrastructure for education of four new primary schools and one new secondary school. This alone had a price tag of £45m. These contributions indicated the level of commitment the Applicants had to ensuring that Chilmington Green provided a full package of social and physical infrastructure. However, a successful new community was much more than just bricks and mortar. It was for this reason that the Applicants had committed to the establishment of a Community Management Organisation (CMO) which would own and manage all the green open spaces and would utilise those resources to build a strong sense of community. This would be set up at the start of the development with a sustained investment from the developers. As the scheme progressed the developers would then endow 50,000 square feet of commercial floor space to this CMO to give it a long term income stream along with annual payments from both commercial and residential occupiers. The CMO would be viable and deliver long-term community benefits. He said that the Applicants believed that this CMO, along with the agreement of the Quality Charter with the Borough Council, would deliver both a high quality development and a new socially active community. In conclusion Mr Sellwood said that a resolution to approve tonight would signal the start of this exciting new development, which it was believed would be an asset to Ashford.

In accordance with Procedure Rule 9.3 Mr Wolverson, a local resident spoke in support of the application. He believed most people, given the option, would say 'no' to building on a green site, which was why it had been relatively simple to gather 8,000 signatures against. But a straightforward 'yes' or 'no' had not been the option since 1985 and certainly out of the question since 2002. The Chilmington Green AAP was the document on which this application was based. The AAP was passed by ABC, so the Authority had effectively already passed this application, and Mr Wolverson hoped that tonight was just a case of ticking the final box. Both the Core Strategy and the Chilmington Green AAP were examined, amended and approved by Central Government appointed inspectors. These documents were now firmly locked within Central Government's housing plans and it would be with that Central Authority where a 'yes' decision by this Committee would be approved or a 'no' decision overruled. A 'no' decision would mean any developer could go direct to Central Government and obtain whatever planning they preferred waving GADF, the

Core Strategy and the Chilmington Green AAP as their evidence that Chilmington had been approved both by ABC and Central Government. With a 'no' the situation would not even go back to square one. It would be far worse. He said it would be necessary to comply with a whole set of new and confusing rules from Central Government all based around the National Planning Policy Framework. This was made evident in the notes to the Planning Committee in Appendix 7 quoting Policy CG0 of the AAP. This weird number had been inserted in front of policy CG1 during the Chilmington examination, an amendment by the Government examiner himself to ensure it would read as the paramount policy in that document. It had been quoted before this evening that 'planning applications that accord with the policies in the Core Strategy and the AAP would be approved without delay'. A 'no' decision would thus destroy the protection the Core Strategy gave to the whole of the Borough. It would all be exposed to very great risk. Without the abandoned Core Strategy, development could take place everywhere in the Borough. It was time to stop the prolongations and delays on this matter and get on with it. Mr Wolverson urged Members to support the current proposals for a much higher quality properly organised development which allowed continuing input from the community. He said that a 'yes' would lead to a good deal of control over this development but a 'no' would create a disastrous scenario where Borough-wide control would be removed. Regarding the application, there were a couple of worrying observations which could do with amending. Firstly, on page 22, policy CG14, on the park and ride site to the west of the A28, the residents put much effort into establishing that the A28 was to be the western extremity of the development. Such a move protected the village of Great Chart itself from being engulfed. This line in the sand was specifically confirmed by the examiner in the Core Strategy (15, 1.15) but CG14 said 'land to the west of the A28 was identified for a future park and ride facility. No development that would prejudice the ability to bring forward such a facility shall be permitted unless the Council has determined that the facility is no longer required'. Mr Wolverson suggested that the latter sentence should be replaced with 'no form of development on this site will be permitted'. It would protect the line in the sand. Generally, the situation regarding planning details for the A28 had not had anywhere near enough community consultation and two examples had been heard during the course of the evening. Everyone recognised that there had been difficult communications with Kent Highways but this fact should not be allowed to mar objectives. This was an application for outline planning permission, which meant there would be many opportunities to discuss these and other problems as well as working towards more detailed planning. He concluded by saying that it was important to support the application or else local control on it would be lost.

In accordance with Procedure Rule 9.3 Mr Wilson, a local resident attended and spoke in support of the application. He said he resided Great Chart Rectory and currently looked out over wide open fields. Within a few years he knew he would be looking out over a huge new housing development but he hoped he would still be here for a more years yet, and he knew when he came here that this would almost certainly be the future of Chilmington Green. After 11 years and attending so many meetings and workshops, speaking to many local people, both long term and new, and thinking and reflecting for himself as someone who both lived and worked in this community, he was still strongly of the opinion that the building of this new development at Chilmington Green would be the right decision. Many years had given him the time to think further. When he first heard of the vacancy for Rector at

Great Chart with Singleton back in the summer of 2002, and had all of the discussions about whether he would come, leaving a Parish in Margate where he and his family were very happy, he had been excited about the challenges and opportunities of the growth of Ashford. As he was writing his application for the post he remembered John Prescott on the national news announcing Ashford as one of the Government's national designated places for significant growth. Despite all of the changes in economy and political opinion, he considered that Ashford was still the place where new growth was appropriate. With access to the Channel Tunnel, High Speed Rail Link and M20 motorway, so much nationally still pointed to this town, and the area around Chilmington Green remained the preferred option locally, regionally and nationally. Three years ago he had taken three months sabbatical looking at the Church serving new but more established areas of housing. Over the last 30-40 years much new house building has happened in the middle of England from south to north, but housing had now turned south east and clearly needed to come this way. Mr Wilson said that he liked to think as a Parish Priest that he had no ulterior motives, although others may disagree. He did not own his own home so had no benefit on sales of land for housing development, although some would say he had nothing to lose either. He had more than enough to do with the current population and schools in the Parish ministry he had already and housing at Chilmington Green would significantly increase his workload. Again, some may say that they would do well from the extra baptisms and weddings, but these had never been a mainstay of the Church's income and had always been a way to reach in to and serve the community. With regard to potential new congregations in the Parish Church at Great Chart, evidence had shown that people who moved in to new housing areas rarely found the nearest iconic Parish Church to get involved in. If they were people of faith or community they were more likely to establish new places of worship, either gathering amongst the new housing, such as the well-established congregation in Singleton Village Hall, or they networked other organisations and places to gather all across the town and Borough or even further afield. However, Mr Wilson did not want what he was saying to come across as 'come on everyone, it's going to happen, so just face it and get on with it'. Every community had its issues and he said that he strongly believed that the issue as he saw it after 11 years working, living and ministering in Great Chart and Singleton was one of fear. Everybody was at times concerned, worried or fearful of this new development, both in its construction stage and its long term impact, whether they agreed with it or not. People were concerned whether they would get their children in to growing local schools that were already under huge pressure, concerned about already overcrowded streets and back roads being used as rat runs and short cuts by both the existing and increasing number of people passing through. There was also concern about pressure on local shops, parking spaces, hospitals and everything else and more and more people wanted to live in what he thought was a wonderful area and he knew that people enjoyed living in and wanted to stay living in. There were however great positives about living amongst lots of people – most people in this nation lived in large towns and cities. Those who chose to live in the countryside often chose to do so because they were able with cars and good public transport to get out and about. So over the coming years he considered all had to work hard to support each other to work and fight for the best facilities they could get. Not just for themselves and their children who it was hoped would be able to afford homes for themselves in the future in the chronic national housing shortage they were in, but for all those who came to live in this community in the next few hundred years. He

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said that many in this community and Borough were already working for this and nationally they would have support too if they could show that, despite their own misgivings, they could accept that this development needed to go ahead at Chilmington Green, for the greater long term local, national and indeed international good. In conclusion Mr Wilson said that he promised that for however long he continued to live, work and serve in the Parish he would seek to do all he could to fight for the best facilities, amenities, schools, transport, roads and anything else that enhanced the community in Great Chart, Singleton and Chilmington Green.

In accordance with Procedure Rule 9.3 Mr Johnson, a local resident spoke in support of the application. He said he had lived in a listed building on the A28 for over 35 years. He had been aware more than a decade ago about discussions taking place regarding future housing requirements in the Ashford Borough when the Local Plan first saw the light of day. Since then the population of the Borough had risen to some 117,000 people living in nearly 50,000 available homes. As people were now living longer there was a need to increase the housing stock available, not only to attract new people to the area, but also to ensure that families could remain in the area and invest in their own up to date homes. He understood that some 8,000 people around the Chilmington area did not want this development, which represented nearly 8% of the entire population of the Borough. Chilmington Green itself had a population of some 44 people and in 2005, 18 of those voted in favour, and eight abstained, for the development to be on the side of the A28 that is planned as opposed to the Great Chart side of the road. It would be interesting to know where the objectors suggested their sons, daughters and grandchildren were going to live in 10-15 years' time if they were to remain in the area. Mr Johnson said he thought the time had come for the people of Ashford to embrace the proposals and the opportunities that were presented and for everyone to point in the same direction to ensure that Ashford could look forward to a prosperous and exciting future by creating not only an attractive place to live, but also to visit. With controlled development a great deal of employment would be created for local people and opportunities for local businesses would arise. He asked how people could possibly object to so many positives and so few negatives. He concluded by saying that if a few people wished to restrain growth in the area, maybe it was time for them to 'get off the bus' but they should think long and hard – property values may increase rather than decrease, standards of living may improve and people may come to regret their decision when they saw what they had missed out on.

In accordance with Procedure Rule 9.3 Mr McClintock, Chairman of Great Chart with Singleton Parish Council attended and spoke in support of the application. He said that the Parish Council held documents dating back to 1985 that confirmed its opposition to any development taking place at Chilmington Green. It also acknowledged that nobody would welcome a development of this size on their doorstep. When the proposal to build 7500 houses in their back yard was launched, the Parish Council recognised how unwelcome this would be and spent the next two years saying 'no'. No, this was not the right place. No, they did not want this amount of green fields used in this manner, and no, for a variety of other recognised and identified reasons. However, although they agreed to a reduction on the number of dwellings, Central Government made it clear that there would be a substantial development in Chilmington. This being the case, he said that a change of tack had been required so the Parish Council had taken the more pragmatic approach that,

with the option to refuse the development being removed, it had a duty to get involved and ensure that the development would be the best it possibly could be both for new residents that would move in to the area and for those already living there. An important issue was, and remained, to help mitigate the amount of disruption there would be for the existing parishioners. He said that this had been the stance of the Parish Council since the adoption of the Core Strategy in 2008 and to that end it had been represented at every possible meeting involving the consortium and Ashford Borough Council in the moulding of the application before the Committee. Having been present personally at many of those meetings, Mr McClintock said that he could honestly state that the consultation process that had taken place over the years was evident in many ways within the application. The input from the Parish Council as well as other stakeholders had promoted the widening of the A28 as an urgent issue that would now be completed in one action. It had helped to mould the quality charter signed up to by the consortium and contributed to the design codes on which the whole development would be based. He considered that it was their ongoing duty to ensure that the quality within the charter was maintained and delivered and to continue working with the Council and the consortium to resolve the remaining and ongoing issues of concern such as transport, traffic flows, provision of amenities and other well documented issues. He said that refusal of this application would result in an appeal which, in the light of Central Government policies on building and development, he considered would almost certainly be upheld. He thought this would undoubtedly result in developers then building on the land in a more ad hoc manner without either the cohesion or attention to quality that was written in to this application. Those who had worked hard to ensure a well-designed development did not want to see this happen in Chilmington. He said that the process of building a new community was ongoing and the Parish Council had been involved and would continue to be for many years to come. It was this historical involvement that informed their support of this application as he considered this united approach of working with the developers and the Borough Council was the only sure way to ensure the best possible outcome for the existing community whilst helping to alleviate the housing shortage in this part of Kent and South East, thus providing homes for future generations.

In accordance with Procedure Rule 9.3 Dr Moorby, Vice-Chairman of Kingsnorth Parish Council, attended and spoke in support of the application. She said that when they had first heard that 31,000 houses were to be built in Ashford by 2030, the Parish Council had been absolutely horrified because it was obvious to them that the existing area of Ashford could not accommodate such a large increase in housing. Therefore as a Parish Council they had taken part in all consultations available, before this site was even put in to the Core Strategy. She said there had been many consultations and the programme had been very good, although local residents may say that they disagreed. They had also taken part in the public examination for the Chilmington Green AAP which they had supported and they had seen it as their duty to support this proposal. She did not think it was generally appreciated, but a very large part of this site was actually in the Parish of Kingsnorth and therefore they had a duty to both the existing residents and the new residents that would come, to make sure that the design and the sustainability of the development was the best possible. She thought that the existing consultations were working towards that. Additionally, she considered it was important to make it an attractive place for people to want to live in and of course, until a new Parish Council was formed they would continue to

take account of the concerns of the new and existing residents. Dr Moorby said that the Parish Council did however have two areas of major concern, concerning development at the southern edge of Brisley Farm. In their view this area was not naturally part of the Chilmington area and there was concern that it may be split off from the existing Kingsnorth Parish, to which it was more obviously connected. Secondly, there was concern over the traffic management of the roads off site, particularly Coulter Road, Langley Drive, Magpie Hall Road and Pound Lane. They were concerned that the effect of traffic on these roads from this new development had been considerably underestimated.

In accordance with Procedure Rule 9.3 Mr Porter of Shadoxhurst Parish Council, attended and spoke in objection to the application. He said his background for the last 40 years was in major capital projects work and one of his 'claims to fame' was dealing with a very difficult project for the Cardiff Bay Development Corporation – the Cardiff Bay Barrage, so believed he could speak with some authority on this subject. The view of the Parish Council, supported by a vast majority of parishioners, was that they believed that the speculative building of 5750 houses at Chilmington would have a serious adverse effect on Shadoxhurst and its residents. They believed this site should only be developed if there was definitely a proven need. The Localism Act stated that local people should be consulted when Government or Council decisions affected their lives. This was also reflected in Ashford Borough Council's 'Plan-It Ashford' leaflet which stated it was the Council's job to take all matters in to account with regard to long term planning and to produce a set of policies which responded to the issues faced and that they needed the public's help. With a new emphasis on Localism there should be a greater opportunity for people to shape the future of their communities and neighbourhoods together. He said he would seriously question if that was being done in a democratic fashion. He said that many residents had invested their life savings to live in the countryside and enjoy the village way of life. He considered that this development would not only destroy that, but it would bring problems from severe traffic congestion on local roads – the A28 widening would only take place after the completion of 2500 homes, what would happen prior to that? They believed that daily life would be severely impacted by 25 years of construction traffic. With regard to need, he said that Ashford Borough Council had had a building programme imposed on it by the Government for 31,000 houses, but the original policy had stated that they should be built centrally in the town and on brownfield sites first and be jobs and infrastructure led. On the subject of jobs, the papers referred to the production of an average of 600 jobs per year, he asked if that was a figure net of losses, or purely new job creation. He considered the building targets could be met by those already built or awaiting planning permission or others newly added to the Ashford Local Plan. There was no confirmation of the new jobs being created and the current provision was well short of the target of 933 per year. Mr Porter said that the Petition previously referred to with over 8000 signatures against this development had been submitted to both Downing Street and the Council. Six Parish Councillors had been elected at Great Chart with Singleton on an anti-development platform. This all showed the strength of feeling against the development. Perhaps something similar to the recent Scottish Referendum should be considered to get the true opinion of the people. He considered that statistics used by the Council to support housing projections and job creation/growth were unsound and inflated following research at KCC and the Office for National Statistics. He understood there was inadequate water in the area to serve the development.

The centre and the east of the development would only be served by two narrow lanes and the A28 railway bridge was only two lanes wide. 1000 acres of productive agricultural land would be lost at a time of world food shortage. Policy CS1 sought to protect the villages and any surrounding countryside from any adverse impact of growth and by creating strong rural communities and he considered Shadoxhurst was already a strong rural community. Their environment would be destroyed and the ecology lost. He said that not all residents had been made aware of the development and consultation had not always engaged the consultees and any opposition had been voted down by the ruling group on the Council. Requests to remove the Chilmington Green development from the Core Strategy had been ignored. He said that Maidstone, Canterbury, Folkestone and Dover all had building programmes and the High Speed Rail Link was already at capacity and the station car park was always full. So where would everybody go when this magnitude of development was introduced? He considered that the only tourist attraction Ashford had was its beautiful countryside and this development would blight that. He said that for all of the reasons above the Parish Council specifically requested that this development was removed from the Core Strategy or otherwise prevented from proceeding. He also urged all Members to strongly consider the recently published Environmental Statement Appendices – Landscape and Visual Impact Assessment, Addendum Revision A – September 2014. He considered the visual impact on display here was beyond belief and some of the projections on things like hedgerows were at best artistic licence and at worst a blatant distortion of the truth. He concluded by asking if the proposal was a field of dreams or a blot on the landscape? Was the idea that ‘if we build it, they will come?’ Or would this just be a utilities and infrastructure nightmare for future generations.

Following all of the public speakers, the meeting was then adjourned for a 15 minute break.

When the meeting resumed, the Ward Members for Great Chart with Singleton North, Washford, Singleton South Wards and one of the Ward Members for the Weald South Ward attended and spoke in turn. They expressed their concerns over various aspects of the application, but conveyed their ultimate support.

Towards the end of the debate the Meeting was adjourned for 10 minutes to allow Councillor Yeo to discuss a matter related to the confidential papers, in private with Officers.

During the debate there was an amendment put forward to the original motion to grant outline planning permission as recommended in the report as amended, by adding a request that two parking spaces should be provided for each residential unit. This motion was moved and seconded, but was not carried.

The final vote approved the application to grant outline planning permission. A number of Councillors requested that their votes be recorded in the Minutes. These are detailed at the foot of the resolution.



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**Resolved:**

- (A) Subject to the applicant first entering into a Section 106 agreement/undertaking in respect of planning obligations relating to the matters in Table 1 below in terms agreeable to the Strategic Sites and Design Manager or the Development Control Manager in consultation with the Head of Legal and Democratic Services, and in the event that the section 106 agreement/undertaking is not completed before the commencement of Regulation 123 of the Community Infrastructure Regulations 2010, and the effect of that Regulation is that provision of any item in Table 1 cannot be secured, the application shall be reported back to this Committee for further consideration; and**
- (B) With delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to add, delete, or make or approve changes to the planning obligations and/or planning conditions, as they see fit, in respect of minor matters, and in consultation with the Chair of Planning Committee and Portfolio Holder for Planning and Development in respect of more significant matters; and**
- (C) Subject to no new issues being revealed by responses (if any) to further consultation currently being undertaken pursuant to Regulation 22 of the Town and Country Planning (Environmental Impact) Regulations 2011 in relation to further environmental information requested and received by officers in relation to revised Landscape and Visual Impact Assessment: Environmental Statement Chapter 10 and Appendices: Effects on Chilmington Green, that officers consider members should take into account as a material consideration and in the event that such consultation does raise new issues that officers consider members should take into account as a material consideration the application shall be reported back to this Committee for further consideration; and**
- (D) Subject to no new issues being raised by the Forestry Commission in its response to consultation currently being undertaken of it that officers consider should be taken into account by members as a material consideration and in the event that such consultation does raise new issues that officers consider should be taken into account by members as a material consideration the application shall be reported back to this Committee for further consideration; and**
- (E) With delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to approve after taking into account the results of public consultation thereon any Development Briefs or Design Codes, and to approve any Strategies, Business Plans**

or other documentation required pursuant to conditions or planning obligations; and

- (F) Subject to the submission of revised plans relating to details of Public Rights of Way in Discovery Park with delegated authority to the Strategic Sites and Design Manager or the Development Control Manager to approve such plans; and
- (G) Subject to the receipt of an amended site plan deleting areas of land not owned by the applicants;
- (H) Grant Outline Planning Permission

**Table 1**

	Detail of Obligation	Amount(s)	Trigger Point(s)
	<b>Affordable Housing</b>		
1.	a) Subject to viability appraisal(s) as set out in Head 37, to provide not less than <b>30%</b> of the total 5, 750 dwellings as affordable housing (AH), comprising 60% affordable rented units and 40% in other forms of affordable provision (or such other proportion as the Council specifies) and to such standards, timings and other particulars as the Council specifies in an affordable housing scheme(s). The affordable housing shall be owned and managed by a registered provider of social housing previously approved by	<p><b>Phase 1 - [60]</b> affordable rented units</p> <p><b>[40]</b> Intermediate tenure units</p> <p><b>Phases 2 - 9</b> – delivery (scale and tenure) to be approved by LPA following a review of viability for that phase.</p>	<p>To be agreed in the affordable housing scheme to be approved prior to commencement of each viability phase but based on</p> <p>AAP Main Phase 1 – 448 units</p> <p>AAP Main Phase 2 – 341 units</p> <p>AAP Main Phase 3 – 467 units</p> <p>AAP Main Phase 4 – 469 units</p> <p>All affordable units within a sub-phase to be built and transferred before occupation of 75% of the open market dwellings within that viability phase.</p>

<p>the Council.</p> <p>b)The initial phase (for viability purposes) of 1000 dwellings to deliver 10% AH. Thereafter, viability to be reassessed for each subsequent “phase” (as defined by Head 37) to determine the level of AH provision for that phase. No phase shall deliver less than 10% or more than 40% affordable housing (direct provision).</p> <p>c) 5% of all affordable housing units to be Habinteg Wheelchair Housing Design Guide Standard, to cater for people with physical disabilities and families with disabled children.</p> <p>d) The Developers to build all units unless otherwise agreed (see below) and transfer them to the ownership of Housing Associations. Alternatively, subject to prior approval by the Council, to gift land plot/s to Housing associations and or Ashford Borough Council together with financial contributions for construction of the units to deliver a number of the units on the plot/s of which they would retain ownership. This to include the scope to use the plots</p>		
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	<p>sold to Ashford Borough Council to deliver self- build options.</p> <p>e) The Developers to also covenant to sell serviced land parcels at market value to RP's if an offer equivalent to an offer from another developer is received from an RP.</p> <p>( Housing principles document to be agreed and appended to S106)</p>		
	<b>Sustainable Design and Construction</b>		
2.	<p><b>Carbon Off- Setting Contribution</b></p> <p>To make contributions to the Ashford Carbon Fund based on the residual carbon emissions of the development set out in the energy performance certificate for each building and quantified over 10 years, (as set out in policy CS10 or its replacement).</p> <p><b>(NB: this Head will deal with the issue of changes to the Building Regulations in 2016, and any other legislative changes)</b></p>	To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD.	No occupation of a building until the energy performance certificate has been supplied. Contributions to be aggregated to those attributable to tranches of 100 dwellings or paid individually in the case of non-residential buildings.
3.	<p><b>Provision of a CHP plant</b></p> <p>To agree the design and specification of a CHP plant prior to the submission of any RM application in the District Centre or by the occupation of 200</p>	Design and specification to be approved by the LPA prior to occupation of 200 dwellings on the site.	Agree design = prior to 200 dwellings. Construct = prior to occupation of 500 dwellings.

	<p>dwelling on the site whichever is the earlier, capable of serving all the development at Chilmington Green, unless otherwise agreed by the LPA. To construct the plant prior to the occupation of any floorspace in the District Centre or by the occupation of 500 dwellings whichever is the earlier. To provide underground ducting to all properties to enable them to receive energy generated by the CHP plant, unless otherwise agreed by the LPA. Once installed, the plant shall be retained in effective working order.</p>		
4.	<p><b>Provision of flexible/sustainable residential accommodation</b></p> <ol style="list-style-type: none"> <li>1. All houses to meet Lifetime Homes standard.</li> <li>2. All party/separating structures to achieve airborne sound insulation values at least 8dB higher and impact sound insulation values at least 8dB lower than Approved Document E (2003 edition, with 2004 amendments)</li> <li>3. All homes to have high-speed internet access (minimum</li> </ol>	<ol style="list-style-type: none"> <li>1. All non-flated accommodation.</li> <li>2. Any residential property with separating/party structure.</li> <li>3. All homes.</li> <li>4. All homes.</li> <li>5. All homes.</li> <li>6. All homes</li> <li>7. All homes.</li> </ol>	Approval of RM.

	<p>speed of &gt;25 MB).</p> <p>4. All RM approvals to achieve BforL 12.</p> <p>5. All homes to be capable of flexible expansion to meet agreed flexibility targets.</p> <p>6. All daylighting standards to be a minimum of 2% in kitchens and 1.5% in living rooms, dining room and studies – using BS 8206-2</p> <p>(NB: this Head may be superseded in part through overlap with the Head relating to the Quality Agreement during final negotiation and the Design Code).</p>		
	<b>Community Management Organisation (CMO)</b>		
5.	<p><b>Provision of the CMO Purpose and Form</b></p> <p>1.1 The developers will work with the Council to agree and jointly set up a CMO that fully accords with the principles set out in the Brief for that organisation agreed between the developer team and the Council and as subsequently agreed by the Chilmington Green Task Group in June</p>	As set out in Column1.	Process to commence upon signing of the s106.

<p>2013 (such Brief to be annexed to the S106) including providing funding for that process.</p> <p>1.2 The developer shall submit to the LPA and the LPA shall approve the constitutional documentation/arrangements creating and governing the operation of the CMO and the form of entity the CMO will take (notwithstanding the references to limited companies in the Brief referred to above). The constitutional arrangements/documentation shall 1) ensure the CMO shall have inclusive governance arrangements as set out and in accordance with the key principles/objectives of the Brief</p> <p>2) Provide for a balanced representation of interests (developer/resident/Local Authority/other) on any board or other governing/voting body and</p> <p>3) ensure the CMO can effectively carry out all of its intended functions including estate management.</p> <p><u>Timing of the creation of the CMO</u></p>		
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	<p>2.1 A Shadow CMO Board shall be created and shall be operational at least four months before the commencement of any works on site. The Shadow CMO Board shall be created in accordance with the principles outlined in the brief. The LPA shall approve the identity of the members of the Shadow CMO Board, its terms of reference and its operating procedures prior to it being created, and it shall be created as approved by the LPA.</p> <p>2.2 Interim paid staff management to be in place and funded with the first stage start-up grant contribution (as set out below) before statutory commencement of any works on site</p> <p>2.3 The “full” CMO as agreed shall be formally established as an entity before the first residential occupation on the site in accordance with the constitutional details approved by the LPA.</p> <p>2.4 A full operating business plan for the 20 year development period (3years in detail, 17 years in outline) to be submitted by the developer in</p>		
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<p>accordance with decision criteria to be previously agreed by the Council in consultation with the CMO within 3 months of statutory commencement on site, and to be reviewed annually. This approved business plan will inform what is ultimately decided/approved by the LPA in consultation with the CMO re the amount of the resident levy and the commercial levy (see 6.1 below)</p> <p><u>CMO responsibilities and transfer of community assets</u></p> <p>3.1 The CMO will own, and/or maintain and manage in ways consistent with its final approved business plan(s) a stock of community assets required by the AAP for residents of the development. In accordance with the requirements set out in other Heads of Terms to draw up and agree detailed sites, specifications and designs for approval by the council and in consultation with the CMO, the developers must either</p> <p>a) provide at least the following community assets and provide for</p>		
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<p>the unencumbered freehold of these assets to be transferred to the CMO for nil consideration to a timetable to be agreed, or</p> <p>b) provide funding to enable the CMO to deliver those assets. The developer will be responsible for providing appropriate vehicular and pedestrian access to the agreed sites and all necessary and relevant services/utilities to those assets through prior agreement with the LPA, Borough Council and CMO in addition to the costs stated in each Head of Terms referred to. The principal assets are as follows:</p> <p>a) At Discovery Park, outdoor sports pitches as set out in Head 12 below totalling 22.08 ha of land.</p> <p>b) At Discovery Park land (0.04 ha) and funding [£xx] for the construction of a landscaping maintenance depot and workshop (if subsequently deemed needed by the CMO).</p> <p>c) At Discovery Park a sports hub of 1.37ha as set out in Head 12.</p>		
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<p>d) Informal and natural green space of 27.6 ha at the various triggers points stated in Head 8.</p> <p>e) Children's and young people's play space of 6.94 ha as set out in Head 10.</p> <p>f) Allotment space of 2.76 ha as set out in Head 11.</p> <p>g) At Discovery Park strategic park space (DP3) as a contribution from and justified by the development towards a larger strategic park of 7.44ha as set out in Head 12.</p> <p>h) Ecological and visual mitigation land of 92.85 ha.</p> <p>i) Existing woodland of xxx Ha (TBA) (Head 25).</p> <p>j) Flood attenuation/SuD's land of 9.74ha as set out in Head 7.</p> <p>k) At the Hamlet space and the transfer of fully serviced built facilities for a cricket pitch, community pavilion and associated other sporting activities as set out in Head 9 totalling [1.795 ha of land and facilities]</p> <p>l) Built space for two local hubs of [0.06 ha</p>		
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<p>and 0.07 ha] and a district centre community hub of 0.4802ha] as set out in Heads 15 and 14.</p> <p>m) Built space for local health centre. As Head 14.</p> <p>n) Soft landscape verges TBA (maintenance only)</p> <p>o) Bus shelters, benches, litter bins, street name plates and other street furniture TBA (maintenance only)</p> <p><u>CMO operating premises (1, 2 and 3)</u></p> <p>4.1 No later than 12 weeks prior to the first occupation of a dwelling on the site, the developer will provide the CMO Premises 1 comprising of no less than 300 square metres of floorspace of temporary, good quality and fully serviced (in accordance with a specification to be approved by the LPA prior to the commencement of the first dwelling) and accessible/DDA compliant office, meeting, activity, storage and reception space for the use of the CMO (including high-speed internet access</p>		
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<p>of &gt;100MB) together with appropriate temporary parking for staff and visitors. The premises must be on the development site, in a location to be previously approved by the LPA within 3 months of development first commencing. The developer will make this facility available on a lease at nil consideration until the CMO has moved to premises 2.</p> <p>4.2 Within the floorspace of the district centre, within a building designed for ultimate use as commercial and retail floorspace the developer will provide 300 square metres of usable and serviced and accessible floorspace (including high-speed internet access of &gt;100MB) together with appropriate parking for staff and visitors on a lease at nil consideration for the second temporary office and meeting space of the CMO (Premises 2) by the occupation of 500 dwellings on the site. The developer will make this facility available until the CMO has moved to Premises 3.</p> <p>4.3 The CMO will be</p>		
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<p>provided with 300 square metres of permanent office and meeting room space(including high-speed internet access of &gt;100MB) within the community hub as part of the specification for that building (to be constructed and transferred at nil consideration) in the District Centre together with appropriate parking for staff and visitors to allow relocation by the CMO to it by the occupation of 1800 dwellings on the site.</p> <p><u>Commercial, retail and office buildings and/or residential buildings and/or cash endowment</u></p> <p>5.1 The CMO will be provided with the unencumbered freehold title for nil consideration to a mix of a minimum of 20,000 square feet (but up to 50,000 sq ft) of lettable commercial, retail and office buildings (including high-speed internet access of &gt;100MB) or such other form of endowment (i.e. cash endowment or residential units) as is approved by the LPA. The commercial retail and office buildings and/or residential dwellings shall be constructed by the</p>		
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<p>developer to a specification to be previously approved by the LPA/Council in consultation with the CMO.</p> <p>5.2 The endowment shall be delivered to the CMO in accordance with the triggers requirements and processes set out in the document entitled “Mechanism for delivery of endowment to CMO” to be agreed and appended to the s106 [Draft appended to these Heads of Terms]</p> <p>5.3 If it is agreed not to provide 50,000 sq ft of commercial/retail/office, a minimum of 20,000 square feet of commercial/retail/office floorspace shall be provided. This minimum provision shall be supplemented by additional endowment be that additional commercial floorspace and/or residential units and/or cash endowment of a sufficient quantum and appropriate type to generate sufficient income for the CMO over the short and long term to enable the CMO to be self sufficient, the timing of provision of and form of such</p>		
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	<p>“additional” endowment to be approved by the LPA in consultation with the CMO in accordance with Annex [LJ insert reference to Annex)</p> <p><u>Other financing of the CMO</u></p> <p>6.1 The developer to put in place the following financing requirements as commitments for ensuring a fully viable and sustainable operating CMO model:</p> <p>a) An annual business levy of £1 per square metre (but ultimately the exact amount to be determined by the first business plan approved by the LPA see 2.4 above) to apply to all commercial, retail and office leaseholders and freeholders within the development (whether or not the floorspace is endowed to the CMO). The CMO to receive the levy and have the ability to vary the amount annually upwards by no more than the consumer prices index (CPI), and have the ability through covenants or other appropriate mechanism to</p>		
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	<p>enforce collection in the event of non-payment. The LPA shall approve the legal /mechanism documentation securing this levy for the benefit of the CMO prior to first occupation of any commercial floorspace. There shall be a restriction on the occupation of each premises until such legal mechanism/docum entation has been implemented as approved in respect of each premises.</p> <p>b) An annual residents levy per property to be an average of £300 per property (but ultimately the exact amount to be determined by the first business plan approved by the LPA see 2.4 above) adjusted per property according to housing mix) to be secured for the benefit of the CMO in respect of each residential dwelling. The LPA to approve the legal documentation securing this levy for the benefit of the CMO prior to first</p>		
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	<p>occupation of a dwelling and there shall a restriction on the occupation of each dwelling until such legal mechanism/documentation has been implemented as approved in respect of each dwelling. The CMO shall have the ability to vary the levy annually by no more than the consumer prices index (CPI), but including the ability to discount or provide exemptions as it sees fit, and have the ability to enforce collection in the event of non-payment.</p> <p>c) A start up grant (to provide for recruitment of interim CMO staff and other start-up costs) of £150, 000 from the developers paid before statutory commencement.</p> <p>d) A variable 'deficit grant' of £ per year to be specified depending on the business plan and outturn costs for each</p>		
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	<p>year- but a total of £3.35m (payable annually on 5 April for the entire period of the development) by the developers to cover the CMO's annual operating losses until the CMO operating position achieves annual surpluses consistent with the agreed CMO business plan model or for at least 20 years after commencement of development (whichever is later).</p> <p><u>Other matters</u>  7.1 Design specifications for community and other buildings and open spaces required to be provided by the developer and transferred to the CMO will be subject to a process whereby the LPA/ ABC/CMO first signs off a brief produced by the developer which contains a design specification and costing, and whereby the final design is to be approved by the local</p>		
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	<p>planning authority in consultation with the CMO shadow or full board and KCC and the PCT as appropriate before planning permission is applied for. Any building will be subject to a one year maintenance period during which the developer will put right any defects that emerge. Flexibility to be retained as to final responsibility to whether the developer or CMO undertake/commissions the building work for each individual requirement.</p> <p>7.2“The developer shall pay an appropriate inspection fee in respect of each building/facility to be transferred to the CMO and all appropriate collateral warranties relating to the construction of the relevant building facility shall be provided to the CMO. Where property is to be transferred to the CMO, the unencumbered freehold to that property shall be transferred to the CMO for nil/nominal consideration and the land shall be free of contamination”.</p>		
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	(two papers annexed to the s106 – CMO principles paper and CMO commercial estate paper)		
6.	<b>Early Community Development</b> Provision of funding for staff and accommodation/running costs for a community development programme including the costs of establishing a community website.	£50, 000 per year first payable on statutory commencement date	Statutory commencement of development and each anniversary of commencement for 5 years until the CMO is fully established and funded.
7.	<b>SUDS provision, maintenance and management contribution</b> 1.The laying out and transfer with a contribution to the relevant management body (which may be the CMO) following approval of a maintenance plan for all surface SUDS drainage features that will not be in private ownership. SUDS features to be provided as a minimum are, Detention ponds: 3.40Ha  Permanently wet ponds: 6.34Ha	Capital cost @ £23,759/Ha <b>£80,780.60</b> (plus all professional fees)  Commutated sum @ £2,200/Ha <b>£7,480 / year for 10 years</b>  Capital cost @ £35,639/Ha <b>£225,951.26</b> (plus all professional fees)  Commutated sum @ £550/Ha	Timing as required to serve developments - to be agreed and provided prior to such development(s) being brought into use.

	<p>Total Provided: <b>9.74 Ha</b> of ponds and swales</p> <p>2. Any other SUDS features not within private ownership proposed as part of agreeing drainage features pursuant to conditions, shall be provided as agreed and should maintenance by either ABC/KCC/CMO be agreed, be subject to the payment of commuted sums to be agreed.</p>	<p><b>£3,487 / year for 10 years</b></p> <p>Capital costs/commuted maintenance sums to be agreed following approval of features by condition.</p>	
	<p><b>Public Open Space, Play Areas, Sports pitches and associated buildings</b></p>		
8.	<p><b>Informal/Natural Green Space</b></p> <p>1. A total of 27.60ha of publically accessible and usable space to be provided on site to include pathways, cycleways, planting and incidental play features.</p> <p>2. The total quantum necessary per phase will be dependent on the size of the AAP Main phase based on 2.0Ha/1000 persons. Phasing to be as follows,</p>	<p>Capital cost @ £75,103.73/Ha</p> <p><b>Total = not less than £2,072,862.95</b> (this excludes all professional fees such as specification and design costs or supervision fees which need to agreed separately depending upon delivery option agreed).</p>	<p>Partly dependant on when other open spaces will be provided, as informal green space provides much of the necessary green routes and these should be delivered in parallel to other strategic open spaces, but no later than,</p> <ul style="list-style-type: none"> <li>a) . Phase 1 –1000 dwellings</li> <li>b) Phase 2 – 2500 dwellings</li> <li>c) Phase 3 – 4000 dwellings</li> <li>d) Phase 4 – 5500 dwellings</li> </ul>

	<p>a) Phase 1 – 6.96 ha  b) Phase 2 – 5.76 ha  c) Phase 3 – 7.2 ha  d) Phase 4 – 7.68ha</p> <p>3. LPA/ABC/CMO to sign off a brief produced by the developer which contains a design specification and costing for each AAP Main phase, and the final design to be approved by the local planning authority in consultation with the CMO shadow or full board as appropriate before any RM applications for a phase is applied for. Any area and the structures/planting within them will be subject to a one year maintenance period during which the developer will put right any defects that emerge.</p> <p>4. Developer to provide/construct in consultation with ABC and CMO and the unencumbered freehold to be placed with Community Management Organisation (CMO)</p>		<p>Developer to provide and maintain for 1 year and transfer to Community Management Organisation at nil consideration.</p>
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	at nil cost following the maintenance period.		
9.	<p><b>Chilmington Hamlet</b></p> <p>1. To provide the following facilities, on a site area the boundaries of which are to be previously agreed with the Council and CMO,</p> <p>a) 1 x Cricket Pitch 1.42ha</p> <p>b) 1 x Community Pavilion 0.029ha to comprise 297sqm of floorspace (of which 250 sq m needs to be designed to be usable as community space)</p> <p>c) 1 x batting cage 0.019ha</p> <p>d) 1 x bowling green 0.16ha</p> <p>e) 2 x tennis courts 0.13ha</p> <p>f) 1 x car park 0.025ha</p> <p><b>Total 1.79 ha site area</b></p> <p>2. Equipment storage facility (for mowers, rollers etc) on 0.005ha of land adjoining the site of 1. above.</p> <p>3. ABC/CMO to sign off a brief produced by the developer which contains a design specification and costing, and the final design to be approved by the local planning authority in consultation with the CMO shadow</p>	<p>1. <b>£1,208,000.00</b> capital build costs (excl fees, contingencies and inflation, specification and design costs or supervision fees which need to be agreed separately.).</p> <p>Access roads and service costs are assumed to be provided by the developer and not part of the above costs.</p> <p>Commuted sum = <b>£241,600.00 (excl indexation)</b></p> <p>2. <b>£10,000 - £58,000 capital cost (TBA)</b></p>	<p>Brief to be agreed by occupation of 1000 dwellings. To be completed and brought into use by the occupation of 1,400 dwellings, maintained for one year and then transferred free of charge to the CMO.</p>



	<p>or full board as appropriate before planning permission is applied for. Any building/facility will be subject to a one year maintenance period during which the developer will put right any defects that emerge.</p> <p>4. Developer to provide/construct in consultation with ABC and CMO and unencumbered freehold to be placed with Community Management Organisation (CMO) at nil cost.</p>		
10.	<p><b>Children's and Young People's Play Space</b></p> <p>1.To construct and provide not less than 6.94 ha of Children's and Young Peoples equipped play space as follows</p> <p>a) Main Phases 1 and 2 – delivering Play Space PS1 (0.5ha) at a location to be agreed but generally at the District Centre, Play Space PS2 (1.5ha) at a location to be agreed but proposed adjacent to the Hamlet on the masterplan and Play Space PS6 (1.44ha) = 3.44 ha in total.</p> <p>b) Main Phase 3 –</p>	<p>Capital cost @ £470,026.06/Ha</p> <p><b>Total £3,261, 980. 85</b> (excludes all professional fees)</p> <p>Commuted sum @ £57,602.09/Ha <b>£399, 758. 50/ year for 10 years</b></p> <p>Capital sums do not include specification and design costs or supervision fees which need to be agreed separately. Areas do not include any landscaped buffers/screening around play areas. Designs to be agreed</p>	<p>Play Space 1 – by the occupation of 500 dwellings.</p> <p>Play Space 2 -by the occupation of 1000 dwellings.</p> <p>Play Space 4 -by the occupation of 4000 dwellings.</p> <p>Play Space 5 -by the occupation of 5000 dwellings.</p> <p>Play Space 6 -by the occupation of 2000 dwellings.</p> <p>Play Space 7 – by the occupation of 5000 dwellings</p>

	<p>delivering Play Space PS4 (1.5ha) at a location to be agreed but generally at the location shown on the masterplan</p> <p>c) Main Phase 4 - delivering Play Space PS5 (1.5ha) at a location to be agreed but generally at the location shown on the masterplan and Play Space PS7 (0.5ha) at a location to be agreed but generally at the location shown on the masterplan.</p> <p>3. ABC/CMO to sign off a brief produced by the developer which contains a design specification and costing, and the final design to be approved by the local planning authority in consultation with the CMO shadow or full board as appropriate before planning permission is applied for. Any building/facility will be subject to a one year maintenance period during which the developer will put right any defects that emerge.</p> <p>4. Developer to provide/construct in consultation with ABC</p>	<p>by the CMO and ABC prior to PP being applied for.</p>	
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	and CMO and unencumbered freehold to be placed with Community Management Organisation (CMO) at nil cost.		
11.	<p><b>Allotments</b> To provide on- site no less than 2.76ha of allotments as follows,</p> <p>A) Phase 1 – 0.7 ha of equipped space by the occupation of 1000 dwellings, B) Phase 2 – 0.57 ha of equipped space by the occupation of 2, 500 dwellings, C) Phase 3 – 0.72 ha of equipped space by the occupation of 4, 000 dwellings, D) Phase 4 – 0.77 ha of equipped space by the occupation of 5, 500 dwellings,</p> <p>3. ABC/CMO to sign off a brief produced by the developer which contains a design specification and costing, and the final design to be approved by the local planning authority in consultation with the CMO shadow or full board as appropriate before planning permission is applied for. Any building/facility will be subject to a one year maintenance period</p>	<p>Capital cost @ £447,916.67/Ha</p> <p><b>Total £1,236,250.01</b> (this excludes all professional fees and specification and design costs or supervision fees which need to agreed separately depending on delivery option)</p>	Developer to provide and transfer to Community Management Organisation (CMO)

	<p>during which the developer will put right any defects that emerge.</p> <p>4. Developer to provide/construct in consultation with ABC and CMO and unencumbered freehold to be placed with Community Management Organisation (CMO) at nil cost.</p>		
12.	<p><b>Strategic Parks and Sports Facilities</b></p> <p><b>1. Discovery Park Outdoor Sports Pitches</b> – provision of a variety of outdoor sports pitches – mix TBA.</p> <p>a) Design Brief to be commissioned before the commencement of development to masterplan and scope the park and prepare for public consultation.</p> <p>b) Sum to be paid to ABC 2 months before the commencement of development to engage consultants to draw up a specification for a brief, tender and appoint consultants.</p> <p>c) Consultant to produce Design Brief for consultation by occupation of the 1000<sup>th</sup> dwelling.</p> <p>d) Brief to include phasing of provision of pitches and associated buildings (likely two</p>	<p><b>Design Brief costs £20,000 (plus indexing)</b></p>	<p>Phase 1 construction to commence by 2, 200 dwellings and be complete by 3, 200 dwellings.</p> <p>Phase 2 construction to commence by 4, 000 dwellings and complete by 5, 000 dwellings.</p>

phases).		
e) Agreed brief to be used as a basis for payment of sums or construction by developers.	£1, 500, 000.00	
	£606,000.00	
	£150,000.00	
<b>Sports Pitches:</b>		
22.08ha of sport pitch land( inc.	£186,000.00	
changing/maintenance buildings) required on site at cost of £34.51	£320,000.00	
per m2 for pitch provision (taken from Green Spaces PSD).	£0	
Final decision to be made at design stage, but pitches could comprise,	<b>Total capital costs of sports pitches:</b>	
	<b>£2,782,000.00</b> (plus fees, contingencies and indexing specification and design costs and supervision fees which need to be agreed separately).	
2 x 3G pitch 1.5 ha		
1 x Hockey Pitch/Astro 0.64 ha		
2 x youth pitches 1.22 ha		
	£2,845,000.00	
2 x adult pitches 1.5 ha		
	£553,200.00	
2 x Netball courts 0.16ha		
	£929,500.00	
Other 9.56 ha		
	£500,000.00	
<b>Total Outdoor Sport 22.08 ha</b>	£148,457.00	
(NB: Flexibility will be needed on the number/type of pitches to be provided depending upon demand at the time. It may be that surfaces to	<b>Total Capital Requirement =</b>	
	<b>£4,976,157</b> (plus fees, contingencies and indexing specification and design costs and	

	<p>a better spec plus some informal pitches may ultimately be selected within the overall cost ceiling/area.)</p> <p><b>2. Discovery Park Sports Hub</b> To provide a facility consisting of,</p> <p>Indoor Sports Facility 0.153ha</p> <p>Café/Bar 0.037ha</p> <p>8 team changing room 0.5ha</p> <p>Car Parking 0.23ha</p> <p>Landscaping Amenity grass, verge &amp; planted trees &amp; footpaths</p> <p><b>Total Sports Hub Area = 1.37ha</b></p> <p>a)ABC/CMO to sign off a brief produced by the developer which contains a design specification and costing (including high-speed internet access of &gt;100MB), and the final design to be approved by the local planning authority in consultation with the CMO shadow or full board as appropriate before planning</p>	<p>supervision fees which need to be agreed separately).</p> <p>3. Cost to be agreed</p> <p><b>4. Capital £2,056,813</b> triggers to be part of the master planning process for Discovery Park</p>	
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	<p>permission is applied for by 1000th. Any building/facility will be subject to a one year maintenance period during which the developer will put right any defects that emerge.</p> <p>b)Developer to provide/construct in consultation with ABC and CMO and unencumbered freehold to be placed with Community Management Organisation (CMO) at nil cost.</p> <p><b>3. DP1 &amp; DP2 Discovery Park extensions (27.39ha) –</b> to provide landscaping , woodland planting and access as set out in AAP.</p> <p><b>4. On site provision DP3 (excluding F6 and 7) -</b> to provide 8.88 ha of laid out Strategic Park (which includes 1.44ha of play areas as set out above at PS6)l ha before occupation of the 1,500<sup>th</sup> dwellings</p> <p>a) A further 0.86 ha before occupation of 2, 500 dwellings</p> <p>b) A further 1.08 ha before occupation of the 4, 000<sup>th</sup> dwelling</p> <p>c) A further 1.2 ha before occupation</p>		
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	<p>of the 5, 500 dwellings. d) Remainder to be agreed.</p> <p>4.1 ABC/CMO to sign off a brief produced by the developer which contains a design specification and costing, and the final design to be approved by the local planning authority in consultation with the CMO shadow or full board as appropriate before planning permission is applied for. Any building/facility will be subject to a one year maintenance period during which the developer will put right any defects that emerge.</p> <p>4.2 Developer to provide/construct in consultation with ABC and CMO and unencumbered freehold to be placed with Community Management Organisation (CMO) at nil cost.</p>		
13.	<p><b>Cemeteries</b> Off-site contribution towards the provision of cemeteries and associated facilities and maintenance thereof for dwellings occupied post 2020.</p>	<p>Viability Phase 2 - £500k to allow for site acquisition and preparation (identified in new local plan) Viability Phase 3 - £100k for remainder of site layout/ access road/ services etc</p>	<p>Payable for dwellings occupied post 31<sup>st</sup> December 2020 in line with the viability phases quoted.</p>



		Viability Phase 6 - £100k Enlargement costs – new roads/ planting etc Viability Phase 9 - £100k Enlargement costs – new roads/ planting etc	
	<b>Indoor Leisure, Sports and Community facilities (excluding DP) and associated external spaces</b>		
14.	<p><b>District Centre / Community Hub</b></p> <p>1. The provision of a facility to comprise the following, a)1 x Multi purpose community leisure building 0.1ha + Associated Hub space i.e. lobby, extra toilets, toilets including an 18sqm Changing Place, DDA compliant kitchen, reception, café, trust office 0.034 ha b)1 x Family &amp; Social Care facility 0.034ha c)1 x Youth facility 0.016ha d)1 x Library access point 0.0012ha e)1 x Community Learning (skills plus) 0.01ha f)1 x dedicated police space 0.005ha g)1 x MUGA 0.08ha h) 1 x car park 0.092</p> <p><b>Total 0.3722 ha</b></p> <p>2. a) Adjoining and associated with an 8</p>	<p>Capital build costs <b>£5,152,127.00</b> (excl design fees, contingencies and inflation etc to be agreed). Access roads and service costs are assumed to be provided by the developer and not part of the above costs.</p>	<p>The detailed planning application/master plan should commence before the occupation of the 500<sup>th</sup> unit and be completed before the occupation of the 1,100<sup>th</sup> unit. This will set out the best triggers for each element with the overarching notion that the Hub will be built out in one go where feasible. Construction commences 1, 300 complete by 1, 800 dwellings</p> <p>The GP surgery may be required at the commencement of the development for the NHS to be interested but also this would need to be phased, so minimal GP's required initially.</p>

<p>GP surgery 0.1ha, (or equivalent health related space)</p> <p>a) 2 Dentist Surgery 0.008ha and/or health related spaces</p> <p><b>Total health 0.108 ha</b></p> <p>1. ABC/CMO/KCC/PCT to sign off a brief produced by the developer which contains a design specification and costing (including high-speed internet access of &gt;100MB), and the final design to be approved by the local planning authority in consultation with the CMO shadow or full board as appropriate before planning permission is applied for. Any building/facility will be subject to a one year maintenance period during which the developer will put right any defects that emerge.</p> <p>2. Enhanced design features in community facilities to enable use by the elderly, those with learning and physical disabilities and dementia sufferers.</p> <p>3. Developer to</p>		
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	provide/construct in consultation with ABC and CMO and unencumbered freehold to be placed with Community Management Organisation (CMO) at nil cost.		
15.	<p><b>Local Centre hubs</b></p> <p>1. Orchard Village - to agree and provide a fully serviced site of 0.06ha plus car park of 0.0115 ha in a location within phase 3 to be agreed but generally in conformity with the masterplan by occupation of the 3,500th dwelling, and to construct to a previously agreed design (including high-speed internet access of &gt;100MB) a local hub building to be available for use by the 4000th dwelling. [To transfer the unencumbered freehold free of charge to the CMO one year later].</p> <p>2. Chilmington Brook - to agree and provide a fully serviced site of 0.07ha plus car park of 0.0115 ha in a location within phase 4 to be agreed but generally in conformity with the masterplan by occupation of the 3,5000 dwelling, and to construct to a</p>	<p>Building Capital Requirement  <b>£733,971.35</b>(excl fees, contingencies and indexation etc).  Commutated Sum =  <b>£146, 794.27 (excl indexation)</b></p> <p>CP Capital £25,000  Commutated £5,000</p> <p>Building Capital Requirement  <b>£748,190.10</b> (excl fees, contingencies and inflation).  Commutated Sum =  <b>£149, 638.02 (excl indexation)</b></p> <p>CPCapital £25,000  Commutated £5,000</p>	<p>Local Centre Hub at Orchard Village in Phase 3 by the Occupation of the 4,000<sup>th</sup> unit</p> <p>Local Centre Hub at Chilmington Brook in Phase 4 by Occupation of 4,700<sup>th</sup> unit</p>

	<p>previously agreed design (including high-speed internet access of &gt;100MB) a local hub to be available by the 4000th dwelling. To transfer the unencumbered freehold free of charge to the CMO one year later.</p> <p><b>3. Enhanced design features in community facilities including the Community hub, sports centre and other facilities to enable use by the elderly, those with learning and physical disabilities and dementia sufferers.</b></p>		
	<b>Provision of the District and Local Centres</b>		
16.	<p>1. Notwithstanding the floorspace to be constructed and transferred to the CMO, to lay out serviced sites, construct floorspace and market sites at the District Centre in accordance with a previously agreed brief(s) as follows,</p> <p>a) Retail- by the occupation of the 1000<sup>th</sup> dwelling to have laid out serviced sites for the supermarket (3, 100 sq m), and other retail units (4, 595 sqm). To construct a minimum of 5 retail shops (A1 – 5) of not less than 150</p>		

	<p>sqm internal floorspace each, and market in accordance with a marketing plan.</p> <p>b) Office - by the occupation of the 1000<sup>th</sup> dwelling to have laid out serviced sites (including high-speed internet access of &gt;100MB) for the construction of 2, 610 sqm of B1(a) floorspace, and to have marketed the same.</p> <p>c) Commercial - by the occupation of the 1000<sup>th</sup> dwelling to have laid out serviced sites for the construction of a public house, day nursery, dentist.</p>		
17.	<p>To construct floorspace at the 2 Local Centres as follows,</p> <p>Retail - by the occupation of the 2, 500<sup>th</sup> and 4, 000<sup>th</sup> dwellings respectively to have laid out serviced sites for retail units and to construct a minimum of 1 retail shops (A1 – 5) of not less than 150 sqm internal floorspace each, and market in accordance with a marketing plan.</p>		
	<b>Education Provision</b>		
18.	<p><b>Primary Education Provision</b></p> <p>1. Provision of 4 fully serviced sites at point of freehold transfer,</p>	<p>See column 3 for amounts and triggers. A total of £22.5m to be paid (index-linked) for Primary education</p>	<p>a)Primary School 1 First Payment of £150, 000 upon commencement of development</p> <p>b)Primary School 1</p>

	<p>transferred free of charge in accordance with KCC's General Site Transfer requirements (to be appended to the s106) as follows</p> <p>a) <u>Site 1</u> - 2.05 hectares of land within Main phase 1 at a precise location to be pegged out and agreed within 6 months of the commencement of development but generally in conformity with the masterplan. Licence to be granted to KCC to enter the site upon agreement of the boundaries. Site to be conveyed together with the use of a construction access 18 months after the commencement date. Full access capable of use by all traffic to be provided 36 months after commencement.</p> <p>b) <u>Site 2</u> - 2.05 hectares of land within Main phase 2 at a precise location to be pegged out and</p>	<p>purposes.</p>	<p>Second Payment £2, 285, 000 18 months after First Payment</p> <p>c) Primary School 1 Third Payment £2,103,200 36 months months after First Payment</p> <p>d) Primary School 1 Fourth Payment £1, 461, 800 prior to the occupation of 1001 dwellings.</p> <p>e) Primary School 2 First Payment of £150,000 prior to occupation of 900 dwellings</p> <p>f) Primary School 2 Second £2,000,000 prior to the 1601<sup>st</sup> occupation</p> <p>g) Primary School 2 Third £2,000,000 prior to the 2201<sup>st</sup> occupation</p> <p>h) Primary School 2 Fourth Payment £1,850,000 seventy two months after PS2 First Payment</p> <p>i) Primary school 3 first payment £150,000 prior to occupation of 2,880 dwellings</p> <p>j) Primary school 3 Second Payment £2,000,000 prior to the 3401<sup>st</sup></p> <p>k) Primary school 3 Third Payment £2,000,000 prior to the 4001<sup>st</sup> occupation</p> <p>l) Primary school 3 Fourth Payment £1,850,000 seventy two months after PS3 First Payment</p> <p>m) Primary school 4 First Payment £475,000 prior to occupation of 4600</p>
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	<p>agreed prior to the occupation of 1050 dwellings but generally in conformity with the masterplan. A licence to be granted to KCC for access to the proposed school site upon agreement. Site to be conveyed together with the use of a construction access prior to the occupation of 1,450 dwellings or 8 years following commencement of development whichever is the earlier.</p> <p>c) <u>Site 3</u> - 2.05 hectares of land within Main phase 3 at a precise location to be pegged out and agreed prior to the occupation of 3,000 dwellings but generally in conformity with the masterplan. A licence to be granted to KCC for access to the proposed school sites upon agreement. Site to be conveyed together with the use of a</p>		<p>dwellings or twenty two years following commencement of development, whichever is the earlier</p> <p>n) Primary school 4 Second Payment £2,025,000 twenty four months after PS4 First Payment</p> <p>o) Primary school 4 Third Payment £2,000,000 prior to occupation of 5200 dwellings or thirty six months after second payment whichever is the earlier.</p>
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	<p>construction access prior to the occupation of 3, 340 dwellings or 18 years from commencement of development whichever is the earlier.</p> <p>d) <u>Site 4</u> - 2.05 hectares of land within Main phase 4 at a precise location to be pegged out and agreed prior to the occupation of 4, 500 dwellings but generally in conformity with the masterplan. A licence to be granted to KCC for access to the proposed school sites upon agreement. Site to be conveyed together with the use of a construction access prior to the occupation of 5, 060 dwellings or 24 years following the commencement of development whichever is the earlier.</p> <p>2. Provision of contributions towards the construction of Primary schools (including early years</p>		
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	<p>places) as set out in column 2 and 3.</p> <p><b>3.</b> KCC shall be allowed to apply both secondary and primary contributions flexibly ( i.e. as a single pot) in order to prioritise investment when required.</p>		
19.	<p><b>Secondary Education Provision</b></p> <p>1.Provision of a fully serviced site of a minimum of 8ha, freehold transferred free of charge together with the use of a construction access in accordance with KCC's General Site Transfer requirements prior to occupation of the 750<sup>th</sup> dwelling</p> <p>2. Site to be pegged out and agreed prior to the occupation of 500 dwellings.</p> <p>3. A licence to be granted to KCC for access to the school site during a period of not less than 12 months prior to transfer of the sites.</p> <p>4. KCC shall be allowed to apply both secondary and primary contributions flexibly i.e. as a single pot) in order to prioritise investment</p>	<p>1. Fully serviced and accessible site.</p> <p>2. Provision of a total of £22, 500, 000 in contributions (index-linked) towards the construction of the Secondary School as Column 3.</p>	<p><b>Phase 1</b></p> <ul style="list-style-type: none"> <li>• First payment - £5,000,000 prior to occupation of the 750<sup>th</sup> dwelling or 1 January 2020 whichever is the earlier</li> <li>• Second payment - £6,000,000 prior to occupation of 1001 dwellings.</li> <li>• Third payment - £2,550,000 prior to occupation of 1601 dwellings.</li> </ul> <p><b>Phase 2</b></p> <ul style="list-style-type: none"> <li>• First payment - £3,000,000 prior to occupation of 3,500 dwellings or 1 January 2031 whichever is the sooner</li> <li>• Second payment - £3,000,000 twelve months after SS Phase 2 First payment</li> </ul>

	when required.		<ul style="list-style-type: none"> <li>• Third payment - £1,500,000 24 months after the first payment</li> <li>• Fourth payment - £1,450,000 prior to occupation of 5,000 dwellings or 1 January 2038 whichever is the earlier.</li> </ul>
	<b>Other KCC services</b>		
20.	<p><b>Provision of Library services</b></p> <p>1. The sum of £900, 000 to expand library service capacity in Ashford libraries (including the mobile library service) and to provide additional book stock, resources and equipment to be paid as follows</p> <p>2. Sums to be spent on the provision of Library Services to directly benefit the residents of Chilmington either within the development area or within a 5 mile radius of the site (including at the Ashford Gateway in Ashford Town Centre).</p> <p>3. A contribution, to be agreed as part of the design spec, for the fitting out of 12 sqm of floorspace as a library and other access point at the Community Hub in the District Centre to be paid at the same</p>		<p>The sum of £900,000 to be paid as follows</p> <p>a) Payment 1 of £225, 000 by occupation of 2,000 dwellings or 10 years following commencement of development whichever is earlier</p> <p>b) Payment 2 of £225, 000 by occupation of 3, 500 dwellings or 15 years following commencement of development whichever is the earlier</p> <p>c) Payment 3 of £225, 000 by occupation of 5,000 dwellings or 20 years following commencement of development whichever is the earlier</p> <p>d) Payment 4 of</p>

	<p>time as the Community Hub is built and delivered to the CMO.</p> <p>4. A commuted sum for the renting of floorspace in the Community hub to be agreed if required by the CMO financial plan.</p>		<p>£225, 000 by occupation of 5, 500 dwellings or 25 years following commencement of development whichever is earlier.</p>
21.	<p><b>Provision of Youth Services</b></p> <p>1. Commuted sum for the provision by KCC of youth services within the Chilmington development or for the direct benefit of Chilmington residents of £239, 000 to support flexible delivery on site and out-reach provision pending suitable accommodation being available on site. Including equipment and staff.</p> <p>2.A contribution of [£TBA] for the construction of 160 sqm of floorspace as youth centre facilities to provide centre based and outreach youth services on site at the Community Hub in the District Centre to be paid/constructed at the same time as the Community Hub payment .</p>	<p>1.To be paid to KCC.</p> <p>2. To be paid to KCC <u>or</u> provided in kind if developer constructs CH, <u>or</u> paid to CMO.</p>	<ul style="list-style-type: none"> <li>• £119,500 prior to occupation of 500 dwellings or 3 years following commencement of development whichever is the earlier</li> <li>• £119,500 prior to occupation of 1,100 dwellings or 5 years following commencement of development whichever is the earlier</li> </ul>
22.	<p><b>Community Learning</b></p> <p>1.A contribution of £213, 000 for the provision /subsidy of new adult learning classes on site</p>		<p>Committed sum to be paid as follows</p> <ul style="list-style-type: none"> <li>• £106, 500 prior to occupation of 1,500 dwellings or 5 years following</li> </ul>

	<p>including Basic Skills, Literacy, Numeracy and IT Skills.</p> <p>2.A contribution of £TB A for the construction of 100 sqm of floorspace as 2 classrooms on site at the Community Hub in the District Centre to be paid/constructed at the same time as the Community Hub payment</p>		<p>commencement of development whichever is the earlier</p> <ul style="list-style-type: none"> <li>• £106, 500 prior to occupation of 3,00 dwellings or 7 years following commencement of development whichever is the earlier</li> </ul>
23.	<p><b>Family Social Care</b></p> <p>1.A contribution of £TBA for the construction of 340 sqm of floorspace as client meeting space plus use of a DDA compliant kitchen plus 18 sqm changing space on site at the Community Hub in the District Centre to be paid/constructed at the same time as the Community Hub payment. Enhanced design to enable use by the elderly, those with learning and physical disabilities and dementia sufferers.</p> <p>2. A contribution of £26, 450 prior to the occupation of 500 dwellings for the provision of Assistive Technology (Telecare) to enable clients to live at home independently with the technical aids at hand.</p> <p>3. A commuted sum to pay for the renting of</p>		<p>1. Commuted sum of up to £272,000 based on 10 years rent free space (space will be available for others to use when not required by families and social care)</p> <p>2. £26,450 telecare payment paid prior to occupation of 500 dwellings or 3 years following commencement of development whichever is the earlier</p>

	the space if required by the CMO business plan.		
24.	<p><b>Long term storage of archaeological archive</b> £40,000 (£100 per box) to cover deposition at a suitable repository (appropriate museum floor space)</p>	Maximum of £40, 000.	First boxes deposited within 5 years of completion of Phase 1 with further boxes deposited within 2 years of completion of each successive phase. Capacity to accommodate further archive boxes as generated by further community heritage works within development site.
	<b>Ecology and Structural Landscaping</b>		
25.	<p><b>Ecology</b> To provide the following ecological habitats to an agreed specification [and timescale] to provide for the mitigation of protected species on site, Ecologically managed farmland: 66.6Ha</p> <p>Long &amp; open grassland: 7.76Ha</p>	<p>Capital cost @ £44,419/Ha <b>£2,958,305.40</b> (excludes all professional fees)</p> <p>Commuted sum @ £3,203/Ha <b>£213,319.80 / year</b></p> <p>Capital cost @ £35,639/Ha <b>£276,558.64</b> (excludes all professional fees)</p> <p>Commuted sum @ £11,000/Ha <b>£85,360 / year</b></p> <p>Capital cost @</p>	

	<p>Flooded meadow ecology park: 5.65Ha</p> <p>New woodlands: 11.2Ha</p> <p>Species rich grassland: 1.64ha</p> <p>Total Provided: <b>92.85 ha</b> on site provision.</p>	<p>£23,759/Ha <b>£134,238.35</b> (excludes all professional fees)</p> <p>Commuted sum @ £2,200/Ha <b>£12,430 / year</b></p> <p>Capital cost @ £11,880/Ha <b>£133,056.00</b> (excludes all professional fees) Commuted sum @ £220 /Ha <b>£2,464 / year</b></p> <p>Capital cost @ £11,880 /Ha <b>£19,483.20</b> (excludes all professional fees)</p> <p>Commuted sum @ £2,343 /Ha <b>£3,842.52 / year</b></p>	
26.	<p><b>Woodland</b> To carry out any remediation works to on-site woodlands, to maintain for a year and then to transfer to the CMO with a commuted maintenance sum 11.89 ha of existing woodland.</p>	<p>Commuted sum @ £1,290/Ha <b>£15,338.10 / year</b></p>	
27.	<p><b>Advance planting belts</b> Prior to the commencement of any dwelling, to agree a specification for and carry out the advance planting belts EC11,</p>	TBA.	Prior to the commencement of any dwelling,

	<p>EC12, G25 as shown on the masterplan and as generally shown on the two plans attached to the Update Report. To agree and carry out advanced planting around Chilmington Hamlet. To maintain these for a period of not less than 5 years and to then transfer the freehold together with an appropriate commuted sum to the CMO.</p>		
	<p><b>Transportation Matters</b></p>		
28.	<p><b>Provision of main access points and link road</b></p> <p>1.The developer shall provide details of and put measures in place to ensure that all construction and delivery traffic enters the site from the A28 only during the construction phase. The construction access, and any changes to its configuration and location shall be constructed to an agreed standard prior to the commencement of any other development.</p> <p>2.The s278 agreement for Access A shall include land to be safeguarded to allow that roundabout to be enlarged should this be necessary at a future date as shown on</p>		Timings needed.

	<p>drawing no. 131065-A-35 Rev A.</p> <p>3. The developer shall agree monitoring measures for traffic entering/leaving Access A post all construction for a period to be previously agreed with KCC. Should this demonstrate that Access A is being used to an extent exceeding the design capacity of drg no 131065-A-01 Rev B, then the developers to enter into a further s278 agreement to build the works shown on drawing no. 131065-A-35 Rev A to a timescale to be agreed with KCC.</p> <p>4. The applicant to fund all the costs of a speed limit reduction to 40mph for the A28 Chart Road from a point to be agreed approaching Access A from the north-east and Access C from the south-west. Timing TBA but aim to see speed limit reduction is implemented before the occupation of the first dwelling or commercial unit on site.</p>		
29.	<p><b>Provision of other works to the A28</b></p> <p>1. In the event that KCC confirm that they will forward fund and deliver the A28</p>	As per the s278 agreement to be completed before commencement of development.	All costs.



<p>improvements, not to commence development unless and until the applicant has entered into an agreement pursuant to Section 278/38 of the Highways Act 1980 with the Highway Authority, securing the provision of the improvement works to the A28 shown on drawings B1620900/H/007 Rev A and B1620900/H/003 Rev A, dated 12.05.2011 (the "Jacobs Scheme") or such other scheme to substantially the same effect as may be required by KCC and approved by the Council, in a form to be agreed by ABC.</p> <p>2.The agreement will provide for the developer to make phased contributions to an agreed timescale towards the costs of improvement of the A28 between the Matalan Roundabout and Tank Roundabout as generally shown on drawing numbers: B1620900/H/007 Rev A dated 12.05.2011 and B1620900/H/003 Rev A dated 12.05.2011 or such other scheme to substantially the same effect as may be required by KCC and approved by the</p>		
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	<p>Council.</p> <p>3. In the event that KCC secure forward funding of part or all of the costs of the works described in 1 above, the developer shall make repayment of those costs less any other grants or other funding that KCC may secure as per the s278 funding agreement between the developer and KCC. If no external funding is secured then the developers will meet the costs of the whole scheme.</p> <p>4. The S278/38 agreement shall prescribe a fall-back position in the event that KCC are unable to deliver the works to the required timescale whereby the applicant shall deliver improvement works ensuring that there is sufficient capacity in the A28 to meet the needs generated by the development by trigger points to be no later than those identified by the Supplementary Transport Assessment (Vectos May 2014) and assessed through the ES process.</p> <p>5. The applicant shall covenant with the Council not to vary the terms of the S278/38 agreement it enters into</p>		
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	<p>with the highways authority and as approved by the Council.</p> <p>6. The applicant shall covenant with the Council that it shall comply with and fulfil its obligations and covenants under the S278/38 agreement it enters into with the highways authority and as approved by the Council.</p>		
30.	<p><b>Off –site pedestrian and cycle links</b></p> <p>1. To provide a bridleway connection to Tally Ho Road as shown on plan OPA08R to a design to be agreed prior to the commencement of any works in phase 4.</p> <p>2. To fund or provide a surfaced footpath/cycleway connection between the site and Matalan Roundabout via the footbridge over the A28 and Great Chart Village by the occupation of [1500] dwellings</p> <p>3. Promotion/enhancement of NCR18 scheme to be agreed between the parties to include making a contribution to either KCC or ABC of [£532k] towards the off-site NCR18/"Learning Link"</p>	3. [£532k]	

	<p>cycle route.</p> <p>4. To provide a contribution to KCC towards surfacing and signing of Byway AW245 between the southern site boundary and Bethersden Road.</p>	4.£90k	
31.	<p><b>Provision and Maintenance of estate roads</b></p> <p>1. Developers to appoint Clerk of Works to be available on site to supervise all road construction on all parts of the site and liaise with KCC/ABC respectively regarding highways construction matters.</p> <p>2. All roads that are bus routes or which will take refuse vehicles will need to be offered to Kent Highways for adoption. Statutory services shall be provided in adopted areas only.</p> <p>3. Adequate management arrangements to be put in place for unadopted areas – this could be</p> <p>a) Private maintenance – ABC need to approve business plan for maintenance prior to commencement of LP.</p> <p>b) Adoption by CMO with commuted maintenance sum.</p> <p><b><u>4. Carriageway</u></b> KCC would adopt and</p>	<p>1. Adoption/maintenance of highways by Kent Highways to be subject to usual s38 requirements.</p> <p>2. 30 years adoption fee for landscaping elements by CMO -samples of typical costs will be supplied, based on KCC/ABC rates for maintenance and renewal.</p> <p>3. Maintenance sums to be agreed depending on option chosen by developer, prior to LP commencing.</p>	

<p>maintain the carriageway associated with main routes subject to criteria for adoption being met.</p> <p><b>5. <u>Footways</u></b></p> <p>Principal footways will be adopted by KCC subject to criteria for adoption being met.</p> <p><b>6. <u>Verge &amp; trees</u></b></p> <p>KCC would adopt verges between carriageway and principal footways subject to appropriate commuted payments and criteria for adoption being met. There will be no stats under verges.</p> <p><b>7. <u>Landscaping</u></b></p> <p>Where landscaping is associated with the highway (inc. verge and trees), KCC will adopt, subject to adoption criteria being met, and licence back to CMO.</p> <p><b>8. <u>Materials</u></b></p> <p>KCC would expect its pallet to be used on adopted roads. KCC relies on a standard pallet in order to have confidence in the robustness and suitability of materials from a safety, ease of maintenance and cost perspective. Poorer quality materials can fail more quickly and be costly to maintain.</p>		
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	<p>Alternatives might be considered providing that they are “fit for purpose” provide the same function (including safety/robustness and other criteria), are no more costly than standard pallet costs and are readily available now and in the future.</p> <p><b>9. <u>Lighting</u></b></p> <p>KCC would expect its pallet to be used and will adopt and maintain the street lighting which is required for highway safety purposes. Any non-standard lighting to attract a commuted sum.</p>		
<p>32.</p>	<p><b>Provision of bus services</b></p> <p>To provide or enable the provision of bus services to serve the development in a phased manner as follows:-</p> <ol style="list-style-type: none"> <li>1. Provision of bus services infrastructure within the site to serve phase 1 of the development within the development area, to include within the adopted/adoptable highway the provision of bus clearways, shelters, bus boarders, flags, real-time information displays and any other</li> </ol>	<p>1 – 6.TBA</p>	

<p>necessary infrastructure to a specification to be previously approved by the LPA and as indicatively shown on plan 131065/A/23 to enable an interim bus service as shown within the STA to be commenced no later than the occupation of 200 dwellings, and expanded no later than 1, 222 dwellings.</p> <p>2. Provision of bus services infrastructure within the site to serve phases 1 and 2 of the development within the development area, to include within the adopted/adoptable highway the provision of bus clearways, shelters, bus boarders, flags, real-time information displays and any other necessary infrastructure to a specification to be previously approved by the LPA and as indicatively shown on plan 131065/A/23 to enable an extended bus service as shown within the STA to be commenced no later than the occupation of 2, 772 dwellings.</p> <p>3. Provision of bus services infrastructure within the site to serve phases 1, 2 and 3 of the development within</p>		
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	<p>the development area, to include within the adopted/adoptable highway the provision of bus clearways, shelters, bus boarders, flags, real-time information displays and any other necessary infrastructure to a specification to be previously agreed and as indicatively shown on plan 131065/A/23 to enable an extended bus service as shown within the STA to be commenced no later than the occupation of 4, 107 dwellings,.</p> <p>4. Provision of bus services infrastructure within the site to serve phases 1 – 4 of the development within the development area, to include within the adopted/adoptable highway the provision of bus clearways, shelters, bus boarders, flags, real-time information displays and any other necessary infrastructure to a specification to be previously approved by the LPA and as indicatively shown on plan 131065/A/23 to enable an extended and final bus service as shown within the STA to be commenced no later than the</p>		
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	<p>occupation of 5, 000 dwellings.</p> <p>5. Provision of funding and procurement of a service between the site and Ashford Town Centre in a manner to be agreed as generally set out in para. 9.12 of the STA to enable buses to be run within the development for the phases set out above to the frequencies indicated for an agreed period until they become viable in their own right, or the Council has agreed to vary the frequency. Such funding to include for the branding of the service for Chilmington Green. The service shall aim to achieve,</p> <p>a) Prior to occupation of the 101st dwelling on the application site, procurement and commencement of the operation of a bus service of 30-minute frequency between the development site and Ashford Town Centre.</p> <p>b) Prior to occupation of the 1223st dwelling on the application site a 20-minute service</p>		
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	<p>frequency to be put in place by the applicant</p> <p>c) Prior to occupation of the 2,773rd dwelling on the application site a 13-14 minute frequency to be put in place by the applicant</p> <p>d) Prior to occupation of the 4,108th dwelling on the application site a 10-minute frequency to be put in place by the applicant</p> <p>6. Provision of bus vouchers per household to the value of £450 per annum for the first year of occupation of any dwelling.</p>		
33.	<p><b>Provision of on-site pedestrian routes and cycleways</b></p> <p>1. To build a network of pedestrian routes and cycleways including PROW as shown on drawing no. 131065-A-14 Rev A and open them to the public to a timescale to be agreed with the Council.</p> <p>2. To provide for long-term maintenance arrangements of the</p>		<p>3. £34,500 (see also Transport section) Diversions and extinguishments; bridleway creations/ footpath upgrades to bridleway</p>

	<p>network either through adoption by KCC or by the CMO.</p> <p>3. To carry out the necessary processes to divert existing footpaths including meeting all costs as shown on drawing no. 00122_OPA_08R in agreement with KCC prior to the commencement of each phase.</p> <p>4. Provide funding for any required new/replacement signage, and mitigation along the new routes, or elsewhere for the loss of recreational routes/PROW in open space.</p>		
34.	<p><b>Provision of off-site Traffic Calming Measures and monitoring of traffic levels</b></p> <p>1. Prior to the commencement of development, to agree a monitoring regime for traffic levels in Great Chart Village, Magpie Hall Road and [location to be agreed in Shadoxhurst] from the commencement of the development until its completion (unless otherwise agreed) including the locations and frequency to be</p>	<p><b>Total costs £408,498 (index linked) to be paid to KCC if not carried out by developer</b></p>	<p>Payment in stages to be agreed.</p>

	<p>agreed with ABC/KCC.</p> <p>2. To carry out the agreed monitoring regime and submit the results to ABC/KCC at an agreed frequency.</p> <p>3. To design to adoptable standards any traffic calming measures that may be agreed as necessary to mitigate the impact of additional traffic monitored at those locations, to consult on those measures and implement them to a timescale to be agreed with ABC/KCC.</p> <p>4. To monitor the impact of any installed traffic calming measures and adjust as necessary.</p> <p>5. To carry out further traffic monitoring as follows,</p> <p>a) Prior to the commencement of development to agree a specification for and carry out traffic monitoring at Mock lane, Cuckoo Lane, Criol Lane and Tally Ho Road [other locations under discussion].</p> <p>b) To repeat such monitoring prior to the occupation of 1500, 3000, 4500 and 5750</p>		
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	dwelling.		
35.	<p><b>Repayment to the Regional Infrastructure Fund</b></p> <p>a) To repay to the Council contributions towards the cost of upgrading of the Drovers Roundabout and J9 of the M20 as already carried out by KCC, and due to the HCA.</p>	<p>Formula for the calculation of the RIF payment is as follows:-</p> <p>RIF contribution per 100 new PM peak trips = Drovers Roundabout element £414,969 + J9/Bridge element £525,939</p> <p>Total contribution = £5,622,589</p>	As per cost plan – in final phases of development..
	<b>Maintenance of the Public Realm</b>		
36.	<p>1. Maintenance of highways (see xx above) – all carriageways/footpaths/cycleways along main roads to be maintained by KCC via s38/s278 agreements . all other highways to be the subject of agreement maintenance arrangements prior to commencements.</p> <p>2. Unadopted footpaths/cycleways to be maintained by the CMO.</p> <p>3. All soft verges within highways to be maintained by the CMO on licence from KCC.</p> <p>4. Maintenance/replace ment of street furniture, including, but not limited to benches, litter bins, street name plates, bus shelters -</p>	<p>1. See above.</p> <p>2. See above.</p> <p>3. Developer to provide previously agreed commuted sum.</p> <p>4. Developer to provide previously agreed commuted sum.</p> <p>5. Developer to provide previously agreed commuted sum.</p> <p>6. See above.</p> <p>7. See above.</p> <p>8. See above.</p> <p>9. See above.</p> <p>10. See above.</p>	

	<p>ABC to devolve to CMO where agreed.</p> <p>5. Street cleansing – [PN to discuss with colleagues.]</p> <p>6. Play areas – see above.</p> <p>7. Informal POS – see above.</p> <p>8. Ecological areas/SUDS features – see above.</p> <p>9. Sports pitches – see above.</p> <p>10. Strategic parks – see above.</p> <p>11. Allotments -see above.</p>	11. See above.	
	<b>Review of Viability</b>		
37.	<p>1. The 'initial viability appraisal' for the whole development prepared on an agreed basis, using June 2014 BCIS costs and local sales values, to demonstrate viability across the whole scheme will form the Base Line Viability assessment for the purposes of this agreement.</p> <p>2. Phases for the purposes of agreeing viability will be Phase 1 = 1, 000 dwellings, phases 2 – 8 = 600 dwellings each, phase 9= 550 dwellings.</p> <p>3. No deferred</p>	Costs of Councils viability consultants.	

<p>contributions will be sought – smaller phases will deliver any improvements in viability and thus additional affordable housing in line with the requirements of the AAP.</p> <p>4. Affordable housing will be the balancing item and will need to deliver a minimum of 10% and a maximum of 40% in any phase - unmet affordable housing in any phase will be rolled forward as a policy requirement to the next phase (please see Head 1).</p> <p>5. Reviews of sales values to be based on prices achieved in the preceding quarter plus general review of Ashford area as per current appraisal.</p> <p>6. Reviews of construction costs to be based on Median BCIS in the preceding quarter.</p> <p>7. Quality uplift costs to be indexed using BCIS uplift.</p> <p>8. Indexation to be applied to the infrastructure/other costs - indexes to be agreed. The need for infrastructure will also be tested at each review, for example assumptions on surveys, paying for</p>		
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<p>service runs etc. If an item of infrastructure should have been provided in an earlier phase but wasn't it can't be recovered.</p> <p>9. Indexation of the s106 contributions – indexes to be agreed.</p> <p>10. Each review to commence on occupation of the 150<sup>th</sup> dwelling in any previous review phase -developers to meet all costs of each review and not to seek RM consent for any dwelling in that next review phase until the review for that phase has been concluded.</p> <p>11. Profit levels for the first phase to be 20% on market dwellings and 6% on affordable dwellings – thereafter profit levels to be as per market requirements with a minimum of 16% and a maximum of 20%.</p> <p>12. Any underspend on S106 requirements in a phase to be rolled forward into the next phase(s) to potentially bring forward other items earlier. S106 infrastructure to be reviewed at each phase with LPA being able to specify provision of other items if policy changes subject to the overall cap.</p>		
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	<p>13. Reviews of Benchmark Land value - to be based on Savills database or other index to be agreed.</p> <p>14. Reviews to capture the value of any HCA or other grants.</p> <p>15. Delay – if a phase is not commenced within 1 year of the review appraisal being agreed then the review must be done again.</p> <p>16. Notwithstanding the outcome of these reappraisals it will not be possible to reduce the s106 financial contributions and other infrastructure provision secured via the S106 (other than AH) originally agreed, although it may be possible to re-phase them if cash flow proves an issue. AH will not fall below 10% on any sub-phase or across any “main phase” (as defined by the AAP) as a whole.</p> <p>17. Developer to be responsible for Council’s costs in relation to viability appraisals.</p>		
	<p><b>Public Art and Heritage Interpretation</b></p>		
38.	<p><b>Public Art</b></p> <p>1.A total of £750, 000 to be contributed/spent spread over 4 phases.</p>		<p>a) £50k to engage an approved Council arts provider upon commencement of the development for Artist Masterplanning of the</p>

	<p>2.The developer will work with the Council to agree a strategy for the whole scheme and when and where individual works will be provided.</p> <p>3. Individual works will be commissioned and installed in accordance with the agreed strategy and a maintenance schedule will also be agreed.</p>		<p>whole scheme and start of first commissions on entrance points/main access.</p> <p>b) £100k upon occupation of the first 100 dwellings for carrying out artist commissions as above.</p> <p>c)25% of the remaining £600K, for each of the 4 phases, as defined in the AAP, the first to be paid before occupation of the 1000<sup>th</sup> dwelling and the reminder on commencement of that phase for artist commissions.</p>
39.	<p><b>Heritage Interpretation</b></p> <p>1.Up to £60,000 to be spent on community heritage interpretation within the site.</p> <p>2. Community archaeologist on site for 3 years (£15,000 per annum)</p>		<p>1. £20,000 per annum, the first payment to be made 6 months after the commencement of development and annually thereafter.</p> <p>2. £15,000 paid at the commencement of development, £15,000 paid twelve months following commencement of development; and £15,000 paid twenty four months following commencement of development</p>
	<b>Travel Plans</b>		
40.	<p>1.The developer shall submit travel plans for each approval of Reserved Matters containing buildings, to be approved by the</p>		

	<p>Council prior to the commencement of any development within that scheme.</p> <p>2. Each travel plan shall aim to reduce car use by occupiers of that development by a target 20% and thus encourage alternative modes of transport.</p> <p>3. Each travel plan will contain incentive measures such as travel vouchers, bicycles etc to be paid for by the developer for an agreed period of time.</p> <p>4. Each plan shall contain performance criteria together with additional measures to be put in place if target reductions in car based travel are not achieved.</p>		
41.	Safeguarding of the Park and Ride land – land shown for such purpose in the AAP and lying within the application site to be safeguarded for such purposes.	All land so shown.	From the statutory commencement of development.
	<b>Quality Agreement and other Monitoring</b>		
42.	<b>Quality Agreement</b> On-site build quality monitoring regime from the outset to be provided by ABC and funded by the developers applied consistently throughout the development, to	[TBA but likely to be not less than £80, 000 per year for the whole development period - see also section on Quality Agreement].	First payment upon commencement of development and on the anniversary thereof in subsequent years until the development is complete.

	<p>deliver,</p> <ol style="list-style-type: none"> <li>1. Skilled monitoring staff on site who will work with contractors on site to tackle build issues before they become problems.</li> <li>2. A 'joined up' service to provide a co-ordinated pattern of approval and monitoring – including building control; planning conditions and agreement monitoring;</li> <li>3. Construction management plan and waste management plan monitoring;</li> <li>4. Specialist services such as energy efficiency certificates and sound insulation testing.</li> <li>5. Regular reviews held with the local community management trust, developers/ site managers and local residents to capture and respond to any issues arising.</li> </ol>		
43.	<p><b>Travel Plan Monitoring Fee</b> Contribution towards the cost of monitoring compliance with the travel plan and helping to ensure its success.</p>	£1000 per year for the duration of the development period plus 5 years thereafter.	To commence on approval of the first travel plan and annually thereafter.
44.	<p><b>S106 Monitoring Fee</b> Contribution towards the Council's costs of</p>	£50, 000 per year for the whole development period - see also	First payment upon commencement of development and on the

	<p>monitoring compliance with the agreement or undertaking, and planning conditions including monitoring of trigger points, consultation with interested parties, attendance at CMO meetings, monitoring of compliance with the quality agreement, reviews of viability (not including consultants fees which are payable separately) etc.</p>	<p>section on Quality Agreement.</p>	<p>anniversary thereof in subsequent years until the development is complete.</p>
45.	<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the Council web site in order to ensure the value is not reduced over time. The costs, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p>		
<p><b>Appendix</b></p> <p><b>Mechanism for delivery of Endowment to CMO</b></p> <ol style="list-style-type: none"> <li>1. The developer shall endow the CMO with either Option A) 50,000 sq ft of commercial floorspace OR Option B) a minimum of 20,000 sq ft of commercial floorspace plus an additional endowment comprising more commercial floorspace, residential units or cash endowment.</li> <li>2. Commercial floorspace for the purposes of this head shall be floorspace falling within the following Use Classes A1, A2, B1, B2, A3-A5.</li> <li>3. The endowment shall be delivered to the CMO in tranches. The first tranche of endowment shall be delivered to the CMO by no later than 6 years after Commencement of Development (or by the occupation of 1500 Dwellings). 3 years prior to that point in time/progress of the development (i.e. by the occupation of 750 Dwellings) the developer shall submit an endowment proposal to the LPA for its approval (in consultation with the CMO).</li> </ol>			

4. The endowment proposal shall propose whether the developer intends to deliver Option A) or Option B) above. If the developer chooses option B) the endowment proposal must:-
  - 4.1 demonstrate the following for it to be acceptable to the LPA:-
    - 4.1.1 that the “additional” endowment , in combination with the minimum 20,000 sq ft of commercial floor space to be provided, is capable of generating sufficient income for the CMO to discharge all of the CMO’s liabilities (as dictated by its approved business plan, that is then subject to annual review by the CMO) in the next financial year following the proposed delivery of the tranche/s of endowment;
    - 4.1.2 that the “additional” endowment , in combination with the minimum 20,000 sq ft of commercial floor space required to be provided is capable of generating sufficient income for the CMO to discharge all of the CMO’s predicted future liabilities over the course of the period of 20 years following commencement of development.
  - 4.2 propose triggers for the delivery of the “additional” endowment (whatever form that is) over and above the minimum 20,000 sq ft of commercial floor space to be provided and demonstrate that the timing of the delivery of that additional endowment to the CMO provides sufficient income at the relevant times in accordance with the assumptions made in the CMO’s approved business plan.
- 5 The “additional” endowment shall be delivered to the CMO in accordance with the triggers approved by the LPA as part of the approved endowment proposal.
- 6 If the developer chooses option B) the minimum of 20,000 sq ft of commercial floorspace shall be delivered to the CMO by the occupation of 1750 dwellings.
- 7 If the developer chooses option A) 20,000 sq ft of commercial floorspace (of the 50,000 sq ft total to be provided) shall be delivered to the CMO by the occupation of 1750 dwellings. The endowment proposal shall propose

- triggers for the delivery of the remaining 30,000 sq ft of commercial floorspace to the CMO and must demonstrate that the timing of the delivery of that commercial floorspace to the CMO provides sufficient income at the relevant times in accordance with the assumptions made in the CMO's approved business plan.
- 8 The endowment shall be delivered to the CMO in accordance with the triggers approved by the LPA as part of the approved endowment proposal.
  - 9 The endowment business plan may be revisited in terms of varying the triggers for provision of the endowment, and the type of endowment to be delivered to the CMO (other than the minimum provision of 20,00 sq ft of commercial floorspace by the occupation of 1750 dwellings) provided that such variation is approved by the LPA (in consultation with the CMO) and it has been demonstrated to the LPA that such variation will provide sufficient income for the CMO at the relevant times assumed by the CMO's up to date business plan.
  - 10 The endowment proposal shall be accompanied by a brief and specification for the proposed commercial estate and any allowed proportion of alternative residential units forming part of the endowment to include the location of proposed commercial/residential units the size and type of the proposed commercial units (A1, A2, B1, B2, A3-A5)/ residential units (2,3,4 bed) (as appropriate). The endowment shall be delivered to the CMO in accordance with the details approved by the LPA.
  - 11 The CMO shall acquire the unencumbered freehold of each tranche of endowment in so far as comprises commercial floor space and residential dwellings for nil consideration free from contamination and with all appropriate collateral warranties relating to its construction to be provided to the CMO.
  12. The developer shall pay for the reasonable costs of the CMO/LPA commissioning professional advice in determining the adequacy/acceptability of each tranche of endowment proposal.
  13. The developer shall be responsible for all SDLT, costs professional fees and disbursements incurred by the CMO and its own costs incurred in conveying the unencumbered FH of the commercial unit/s and/or the residential dwellings (as appropriate) to the CMO;
  14. The developer shall be responsible for all design and other professional fees incurred in preparing the brief and specification for the units comprising the commercial floor space and/or residential dwellings and preparing and submitting related Reserved Matter applications.

**And subject to the Conditions and Notes below: -**

**Conditions for 12/00400/AS – Chilmington Green**

**Time Limit**

1. The development comprising of new access A to the site shown on drawing number 131065/A/01 Rev B, shall be begun no later than 1 year after the date of this decision. The development comprising of new access B to the site shown on drawing number 131065/A/04 Rev B shall be begun by no later than 5 years after the date of this decision. The development comprising of new access C shown on drawing 131065/A/02 Rev B shall be begun no later than 10 years after the date of this decision. The development comprising of new access D shown on drawing number 131065/A/15 shall be begun no later than [2] years after the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Application for the approval of all of the Reserved Matters referred to in condition [6] for that part of the site proposed to be developed first (other than the four new accesses referred to in condition 1) shall be made to the Local Planning Authority by no later than 3 years after the date of this decision.

Development within that part of the site shall be begun by no later than one year after the date on which the final application of all of the Reserved Matters relating to that part of the site is approved by the Local Planning Authority.

**Reason:** To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990, in recognition that the site will be phased over many parcels of development and to ensure that the suitability of the development may be reviewed against the provisions of the prevailing development plans.

3. Application for the approval of all of the Reserved Matters referred to in condition [6] for all parts of the site other than those parts of the site referred to in conditions 1 and 2 (referred to in hereafter as 'Subsequent Reserved Matters Sites') shall be made to the Local Planning Authority no later than [18] years after the date of this decision.

**Reason:** To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990, in recognition that the site will be



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phased over many land parcels of development and to ensure that the suitability of the development may be reviewed against the provisions of the prevailing development plans.

### Approved Drawings and Documents

4. The development hereby permitted shall be carried out in accordance with the submitted drawings and documentation (Main Documents "For Approval") which are hereby approved, unless otherwise provided for in any other conditions attached to this permission. A schedule of the Main Documents "For Approval" is set out in condition 106.

**Reason:** To ensure that the proposed development is carried out as envisaged by the application to which this approval relates and that there is a clear framework for the submission of the details required by the following conditions.

5. Except where a variation does not have significantly different environmental effects from the effects of the proposals assessed in the Environmental Statement dated July 2012 (as updated in the Environmental Statement Addendum dated February 2013) and such variation is first authorised in writing by the Local Planning Authority, the development shall conform to the proposals so assessed, and shall be carried out in accordance with the approved Reserved Matters.

**Reason:** To ensure that the requirements of the Environmental Impact Assessment Regulations 1999 (as amended) and the EU directive are given effect.

### Reserved Matters

6. With the exception of the detailed development comprising the proposed four new accesses to the site (Accesses A, B and C on to the A28 and the proposed mini-roundabout on to Coulter Road/Cuckoo Lane), approval of the details of the layout, access, scale, landscaping and appearance (hereafter called the "Reserved Matters") for any other part of the site, shall be obtained from the Local Planning Authority in writing before development commences on that part of the site, and the development shall be carried out as approved.

**Reason:** To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

7. The submission of all Reserved Matters shall be in accordance with the mix and disposition of land uses, shown in the approved Parameter Plans and

Development Specification (referred to in the “Main Documents “For Approval”), unless otherwise agreed by the Local Planning Authority through an approval of Reserved Matters.

**Reason:** To ensure that there is a clear framework for the submission of applications for Reserved Matters approval and for the development in order to provide a sustainable community.

8. The extent of the development area and the locations of the secondary and Discovery Park hereby approved shall be where located on the adopted Submissions Policies Map in the Chilmington Green Area Action Plan July 2013.

**Reason:** To ensure that there is a clear framework for the development and the submission of applications for Reserved Matters approval.

9. Detailed plans of the Reserved Matters required by condition 5 above, shall be submitted for each Reserved Matters site, unless otherwise agreed in writing by the Local Planning Authority, and shall include the existing and proposed ground levels together with scaled cross-sections through each Reserved Matters site and the adjacent land. Development shall be carried out in accordance with those approved details unless otherwise agreed in writing by the Local Planning Authority through an approval of Reserved Matters.

**Reason:** To ensure that a full assessment of the proposed development can be carried out with all necessary information provided.

### **Phasing and Masterplanning**

10. The development hereby permitted shall be carried out in accordance with the Implementation Section in the approved Development Specification, the Phasing sections of the Design and Access Statement 2012 and the Design and Access Statement Addendum 2013 and the 4 Main Phases identified in the Chilmington Green Area Action Plan July 2013, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development is carried out in a sustainable and coherent manner.

11. Prior to the submission of any Reserved Matters applications in respect of a Main AAP Phase pursuant to condition 6, a Phased Development Plan, in accordance with the requirements of the Chilmington Green Area Action Plan July 2013, for the whole of the relevant Phase shall be submitted to and approved by the Local Planning Authority, following consultation the details of which shall be previously agreed. Each individual Phased Development Plan

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for the whole of the relevant phase shall address the following and forms the basis of the subsequent submissions for the approval of Reserved Matters or other detailed applications for that phase or any part of that phase, subject to any modifications agreed in writing by the Local Planning Authority:

- i) The boundaries of individual land parcels or development plots;
- ii) A detailed Masterplan accompanied by a development strategy for the number of dwellings, land use, quantum of development and the road hierarchy for the relevant Main Phase;
- iii) An indicative schedule of the proposed housing mix to be agreed pursuant to condition 105;
- iv) Indicative landscape areas, including any advanced planting, and the phasing for such planting within the Main AAP Phasing Plan;
- v) The areas of equipped play facilities;
- vi) The areas of informal open space;
- vii) The areas of sports pitches;
- viii) Location for public art; and the strategy for public art for the relevant Main Phase;
- ix) The SUDS strategy for the relevant Main Phase, to include the location and broad extent of SUDS features;

Other than the detailed accesses hereby approved, The reserved matters applications shall be submitted and development carried out in accordance with the approved Phased Development Plan unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development of sites for which Reserved Matters approval is sought are carried out in a sustainable and coherent manner.

12. In accordance with the phasing requirements pursuant to condition 10 above, Phased Development Plans for phases 2, 3 and 4 of the Main AAP Phases shall be submitted to the Local Planning Authority for approval prior to the completion of 75% of the dwellings in the preceding Main AAP Phase and before the submission of any Reserved Matters applications for the phase to which it relates. Details of each Phase Development Plan shall be carried out in accordance with the requirements of Condition 10 above, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the development of sites for which Reserved Matters approval is sought are carried out in a sustainable and coherent manner.

### Highways and Transport

13. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 5 in relation to any residential buildings shall show adequate land reserved for the parking or garaging of vehicles and the manoeuvring of vehicles to accord with the provisions of the adopted residential vehicle parking standards applicable at the time. No residential units shall be occupied until the parking facilities relating to it have been constructed in accordance with the approved details and are available for use. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to such land.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety.

14. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 5 in relation to any non-residential buildings shall show adequate land reserved for the parking or garaging of vehicles and the manoeuvring of vehicles to accord with the provisions of the adopted non-residential vehicle parking standards applicable at the time. No non-residential units shall be occupied until the parking facilities relating to it have been constructed in accordance with the approved details and are available for use. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to such land.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order of any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

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**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

16. Before employment development built pursuant to this outline planning permission is occupied or brought into use, a Travel Plan for that individual unit shall have been submitted to and approved by the Local Planning Authority in writing. The Travel Plan shall contain:
- i) details of measures designed to achieve and maintain an appropriate target modal split of travel to and from each unit forming part of that employment development;
  - ii) details of the methodology and timing of surveys at the unit site entrance and elsewhere to independently assess the actual modal split achieved not less than once every two calendar years, and the method and frequency by which results of said surveys shall be provided in writing to the Local Planning Authority ;
  - iii) the contact details of an individual who will be appointed as Travel Plan Co-ordinator within his/her job description and who will act as contact point for the Local Planning Authority and the manager of the measures set out within the Travel Plan;
  - iv) a mechanism for information to be provided to and agreed in writing by the Local Planning Authority annually (or as otherwise agreed in writing) as to the implementation of the measures set out in the Travel Plan and performance against such measures over the relevant period;
  - v) any other measures reasonably required by the Local Planning Authority in line with relevant guidance or any successor document and any relevant guidance.

The agreed Travel Plan measures shall be implemented in full in respect of each unit forming part of that employment development within 3 months of the occupation of that unit and subsequently maintained, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to realise a sustainable pattern of development in the area

17. Prior to the commencement of the bus service, the works to the Knoll Lane/Brookfield Road junction shown on drawing 131065/A/64 (or such other works to substantially the same effect that may be previously approved by the Local Planning Authority following consultation with the highway authority) shall be carried out and opened to traffic.

**Reason:** In order to provide for necessary improvements to the route for buses to the Town Centre.

18. Prior to the commencement of the bus service, details of works to the Beaver Bridge to allow for two busses to pull-in off the carriageway together with the provision of bus clearways, shelters, bus boarders, flags, real-time information displays and any other necessary infrastructure to a specification to be previously approved by the LPA (or such other works to substantially the same effect that may be previously approved by the Local Planning Authority following consultation with the highway authority) shall be carried out and opened to traffic.

**Reason:** In order to provide for necessary improvements to the route for buses to the Town Centre.

19. The works for the provision of "Access A – the northern access roundabout" shall be implemented in accordance with the approved details shown on Drawing 131065/A/01 Revision B (or such other scheme to substantially the same effect previously agreed in writing by the Local Planning Authority in consultation with the highway authority) and shall be constructed to a previously agreed standard and opened to traffic prior to occupation of the first dwelling unless Access B has been constructed and opened to traffic in which case it shall be opened before the occupation of 100 dwellings on the application site or before the opening of the first commercial unit or the foodstore, whichever is earlier. Any remaining works to allow adoption by the Highway Authority shall be carried out within 1 year of such opening unless otherwise agreed by the Local Planning Authority.

**Reason:** In order to ensure adequate access to the development site in accordance with the requirements of Kent Design.

20. Unless already provided, the works for the provision of 'Access B – the priority junction with Goldwell Lane', up to wearing course level, shall be implemented in accordance with the approved details shown on drawing 131065/A/04 Rev A (or such other scheme to substantially the same effect previously agreed in writing by the Local Planning Authority in consultation with the highway authority) and shall be constructed and opened to traffic before the occupation of the Secondary School on the application site, or otherwise prior to occupation of the 1200th residential dwelling on the application site, whichever is earlier. Any remaining works to allow adoption by the Highway Authority shall be carried out within 1 year of such opening unless otherwise agreed by the Local Planning Authority.

**Reason:** In order to ensure adequate access to the development site in accordance with the requirements of Kent Design.

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21. The works for the provision of 'Access C – southern access roundabout' shall be implemented in accordance with the approved details shown on drawing 131065/A/02-Rev B (or such other scheme to substantially the same effect previously agreed in writing by the Local Planning Authority in consultation with the highway authority) and shall be constructed and opened to traffic prior to the opening of the Secondary School, or otherwise prior to occupation of the 2000th dwelling on the application site, whichever is earlier. Any remaining works to allow adoption by the Highway Authority shall be carried out within 1 year of such opening unless otherwise agreed by the Local Planning Authority.

**Reason:** In order to ensure adequate access to the development site in accordance with the requirements of Kent Design.

22. The works for the provision of 'Access D – mini roundabout with Coulter Road' shall be implemented in accordance with the approved details shown on drawing 131065/A/15 (or such other scheme to substantially the same effect previously agreed in writing by the Local Planning Authority in consultation with the highway authority) and shall be constructed and opened to traffic prior to the opening of the link across Discovery Park to vehicular traffic of the first occupation within the Brisley Farm element of Main AAP Phase 1, whichever is earlier. Any remaining works to allow adoption by the Highway Authority shall be carried out within 1 year of such opening unless otherwise agreed by the Local Planning Authority

**Reason:** In order to ensure adequate access to the development site in accordance with the requirements of Kent Design.

23. Prior to the commencement of works to for the secondary school, a plan shall be agreed by the Local Planning Authority following consultation with the Highway Authority showing how Chilmington Green Road is to be closed to all vehicular traffic at the location shown on drawing 'OPA05R: Access & Strategic Vehicular Routes Plan'. Such works shall be carried out prior to the opening of the proposed secondary school.

**Reason:** In the interests of highway safety.

24. Before each phase of the development is occupied vehicle turning areas for that phase shall be provided in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority and the vehicle turning areas shall be permanently retained available for this purpose.

**Reason:** So that vehicles may enter and leave the site in a forward gear in the interests of highway safety.

25. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 6 in relation to any non-residential buildings shall show adequate land reserved for cycle parking to accord with the provisions of the adopted cycle parking standards applicable at the time. The details shall incorporate protection and security measures for cycles, which, where applicable, shall include a lockable enclosure. The Reserved Matters site shall not be occupied until the approved cycle parking arrangements relating to that development have been provided and the cycle parking arrangements shall thereafter be retained and kept available for use.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

26. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 5 in relation to applications that contain Bartets Lane, Criol Lane and Mock Lane (apart from that section of Mock Lane that is show on Parameter Plan OPA05R to be upgraded) shall show these lanes to retain their existing character, in accordance with the Development Specification September 2013 and Parameter Plan OPA05R, with vehicular access to development in their vicinity being provided primarily from new routes created by the development itself. Upon approval, the development shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to retain their existing character as far as possible in accordance with Policy CG11 of the Chilmington Green Area Action Plan.

27. Before the first occupation of each dwelling the following works between that dwelling and the adopted highway shall be completed,
- (a) Footways and/or footpaths, with the exception of the wearing course;
  - (b) Carriageways with the exception of the wearing course, including the provision of a turning facility beyond the dwelling or school (as the case may be), together with related:
    - (i) highway drainage, including off-site works,
    - (ii) junction visibility splays,
    - (iii) street lighting, street nameplates and highway structures if any

and the developer shall, at the same time, agree with the Local Planning Authority in writing when the final wearing course shall be applied, and it shall be applied at the time agreed.



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**Reason:** In the interests of highway safety, and the convenience and amenity of occupiers of the development.

28. Before the primary schools (4) and secondary school (1) are brought into use, the following works between the school and the adopted highway shall be completed:
- (a) Footways and/or footpaths, with the exception of the wearing course;
  - (b) Carriageways with the exception of the wearing course including the provision of a turning facility beyond the school, together with related:-
    - (i) Highway drainage, including off-site works,
    - (i) Junction visibility splays,
    - (iii) Street lighting, street nameplates and highway structures if any,

and the developer shall, at the same time, agree with the Local Planning Authority in writing, when the final wearing course shall be applied, and it shall be applied at the time agreed.

**Reason:** In the interests of highway safety, and the convenience and amenity of occupiers of the development.

29. Unless a relevant Section 278 Agreement has been completed with Kent County Council before the commencement of development and approved in writing by the Local Planning Authority, not to occupy more than 500 dwellings in the development until the highway works to the Matalan roundabout phase of the A28 scheme as shown on drawing B1620900/H/5000 Rev A - Matalan Roundabout to Loudon Way (modified to show the cut lines) or other such scheme to substantially the same effect as may be agreed by the Local Planning Authority after consultation with the Highway Authority have been completed and opened to traffic.

**Reason:** In the interests of providing adequate highway capacity to serve the traffic generated by the development.

30. Unless a relevant Section 278 Agreement has been completed with Kent County Council before the commencement of development and approved in writing by the Local Planning Authority, not to occupy more than 1000 dwellings in the development until the highway works to the railway bridge phase of the A28 scheme as shown on drawing B1620900/H/5000 Rev A - Matalan Roundabout to Loudon Way or other such scheme to substantially the same effect as may be agreed by the Local Planning Authority after

consultation with the Highway Authority have been completed and opened to traffic.

**Reason:** In the interests of providing adequate highway capacity to serve the traffic generated by the development.

31. Unless a relevant Section 278 Agreement has been completed with Kent County Council before the commencement of development and approved in writing by the Local Planning Authority, not to occupy more than 1250 dwellings in the development until the highway works to the Tank roundabout phase of the A28 scheme as shown on drawing B1620900/H/5001 Rev A- Louden Way to Tank Roundabout or other such scheme to substantially the same effect as may be agreed by the Local Planning Authority after consultation with the Highway Authority have been completed and opened to traffic.

**Reason:** In the interests of providing adequate highway capacity to serve the traffic generated by the development.

32. Unless a relevant Section 278 Agreement has been completed with Kent County Council before the commencement of development and approved in writing by the Local Planning Authority, not to occupy more than 2000 dwellings in the development until the highway works to the Louden Way junction phase of the A28 scheme as shown on drawing B1620900/H/5001 Rev A - Louden Way to Tank Roundabout or other such scheme to substantially the same effect as may be agreed by the Local Planning Authority after consultation with the Highway Authority have been completed and opened to traffic.

**Reason:** In the interests of providing adequate highway capacity to serve the traffic generated by the development.

33. Prior to the commencement of any development within Main AAP Phase 4, the footway upgrades north and south of Magpie Hall Road as shown on drawing number 131065/A/25 Rev B shall be constructed and opened to pedestrians.

**Reason:** In the interests of highway safety and connectivity with Chilmington Green.

## Design

34. All submissions of Reserved Matters shall accord with the approved Chilmington Green Design Code, unless otherwise agreed in writing with the Local Planning Authority. All submissions of Reserved Matters shall be accompanied by a detailed design statement describing how they accord with

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the approved Design Code, and in the case of any variations, explain the nature of the variation.

**Reason:** In the interests of securing a high quality development and to ensure that full and adequate information is provided to enable proper assessment of the proposed development.

35. All submissions of Reserved Matters shall be accompanied by a statement which demonstrates how they accord with the agreed Chilmington Green Quality Charter, and in the case of any variations, explain the nature of the variation. Upon approval of the Reserved Matters application, the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of securing a high quality development and to ensure that full and adequate information is provided to enable a proper assessment of the proposed development.

36. All submissions of Reserved Matters applications shall be accompanied by the following statements and strategies which shall be submitted to and approved in writing by the Local Planning Authority:

- A Design and Access Statement and a statement that demonstrates compliance with the principles set out in the Design and Access Statement July 2012 and the Design and Access Statement Addendum 2013 submitted in support of the application.
- An Urban Design Strategy based on the structure and content of the Design Codes
- A Sustainable Design and Climate Change Statement that sets out how the design and technology of building (footprint, layout, orientation, form etc) improves the sustainable qualities and reduces the environmental impact/performance of the building, as well as how it improves its quality and attractiveness. It should also include an analysis of how flexible and adaptable the internal layout and space is as well as demonstrating a capacity for conversion of internal space and layout. It should also demonstrate what measures will be employed to reduce the distance building materials are required to travel to the site.
- The principles of a Management & Maintenance Strategy for public realm, including any structures that will be placed on the land, including litter bins, road signs, name-plates, or benches etc.

- An external cleaning regime for non-residential buildings, and residential buildings in multiple-ownership.
- A waste collection strategy
- A Play Statement setting out range of experiences for children.
- A crime prevention strategy to minimise the risk of crime in the public and private realm based on Kent Design's Initiative and Kent Police document
- Inclusive Design Statement Disability Access Statement for Public Realm and Public Buildings.

The development shall be carried out in accordance with the approved strategies unless otherwise agreed in writing by the Local Planning Authority. The works, buildings, artefacts or structures subsequently approved or erected shall thereafter be retained and maintained, unless previously agreed in writing by the Local Planning Authority.

**Reason:** In the interests of securing a high quality development and to ensure that full and adequate information is provided to enable a proper assessment of the proposed development

37. All submissions of Reserved Matters for schools, the Community Hub, the Local Centres and the community building at Discovery Park shall be accompanied by a Design Statement which demonstrates compliance with the following consultation process prior to submission:
1. Preparation of a Design Brief in collaboration with the Borough Council;
  2. An architectural competition to choose the best architect in collaboration with the Borough Council;
  3. Discussion with Planning and Urban Design Officers in Planning Department and other relevant Council Departments;
  4. Visit and Review exemplar examples of similar buildings in Kent and the south east to learn lessons;
  5. Key Stakeholder Design Workshop, Meeting or Interactive Exhibition to shape early stages of layout and design;
  6. Design Review Panel presentation;

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7. Member's Informal Briefing Session of draft layout;
  8. Community Exhibition of proposals.

The statement will demonstrate how each stage has been assessed and evaluated and that a suitable design approach has been agreed with the Local Planning Authority. Upon approval of the Design Statement, the development shall be carried out in accordance with the statement, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to engage all key stakeholders in the design process and to ensure a high quality design.

38. Details of the public art to be incorporated within each Main AAP Phase of the development shall be submitted to and approved by the Local Planning Authority in accordance with condition 11. The submitted details shall include location, design, dimensions and materials. The approved items of public art shall be installed in accordance with a timetable that shall be agreed with the Local Planning Authority, and shall thereafter be retained in accordance with the approved details unless removal is otherwise first approved by the Local Planning Authority. Any item of public art removed shall be replaced within 6 months of the date of its removal by an item of public art, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory visual appearance in accordance with the provisions of the Chilmington Green Area Action Plan 2013.

39. A detailed Design Strategy for the whole of the District Centre and High Street Character Area (as identified in the Chilmington Green Area Action Plan 2013), will be submitted as part of the first Reserved Matters submission for any part of the development of the District Centre. It will set out the detailed phasing of the District Centre and will incorporate the design aspirations set out in Policy CG3 of the AAP. No development within this Reserved Matters site shall be commenced until the Design Strategy has been approved and the development shall be built in accordance with the approved Design Strategy unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and character in accordance with Policy CG3 of the Chilmington Green Area Action Plan 2013.

40. A detailed Design Strategy for each of the two Local Centre Character Areas (as identified in the Chilmington Green Area Action Plan 2013) will be submitted as part of the first Reserved Matters submission for the development of any part of the two Local Centres and will incorporate the design aspirations set out in Policy CG4 of the AAP. No development within these Reserved Matters sites shall be commenced until the relevant Design

Strategy has been approved and the development shall be built in accordance with the approved Design Strategy unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and character in accordance with Policy CG 4 of the Chilmington Green Area Action Plan 2013.

41. A detailed Design Strategy for the Chilmington Green Hamlet Character Area (as identified in the Chilmington Green Area Action Plan 2013), will be submitted as part of the first Reserved Matters submission for the development of any part of the Chilmington Green Hamlet and will incorporate the design aspirations set out in Policy CG5 of the AAP. No development within this Reserved Matters site shall be commenced until the Design Strategy has been approved and the development shall be built in accordance with the approved Design Strategy unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and character in accordance with Policy CG5 of the Chilmington Green Area Action Plan 2013.

42. All submissions of Reserved Matters submitted in respect of the Southern Fringe Character Area as identified in Policy CG6 of the Chilmington Green Area Action Plan 2013, shall be in accordance with the requirements of that Policy unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and character in accordance with Policy CG6 of the Chilmington Green Area Action Plan 2013.

43. All submissions of Reserved Matters applications submitted in respect of the Discovery Park Edge Character Area as identified in Policy CG7 of the Chilmington Green Area Action Plan 2013, shall be in accordance with the requirements of that Policy unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and character in accordance with Policy CG7 of the Chilmington Green Area Action Plan 2013.

44. All submissions of Reserved Matters applications for sites that abut each of the four Primary Schools and the Secondary School, shall include the details of the school to be provided within the adjoining site. The submitted details shall show the the location of the buildings and facilities including playing fields, design, external materials, landscaping and car parking and access arrangements, including footpath and cycling connections outside the school site.

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**Reason:** To ensure the satisfactory relationship between the schools and the adjoining residential development in the interests of providing an integrated and sustainable development.

45. All submissions of Reserved Matters applications for sites that abut any of the Community Buildings, Retail Buildings, Indoor Sports Halls, Health Care Buildings or any other non-residential buildings, shall include details of the buildings to be provided within the adjoining site. The submitted details shall show the location of the buildings and facilities, including design, external materials, landscaping and car parking and access arrangement, including footpath and cycling connections outside the site. Reason: To ensure the satisfactory relationship between the community buildings and the adjoining residential development in the interests of providing an integrated and sustainable development.
46. Unless previously agreed, all Reserved Matters applications shall include the following details in respect of the external appearance:
- a) Full architectural strategy of the external appearance based on a detailed contextual; and
  - b) Full external architectural detailing based on Design Code detailing including
    - (i) Samples of all materials including combined materials palette on one or more samples board combining all external appearance details including colours and textures.
    - (ii) External windows and doors and surrounding cills and frames
    - (iii) Decorative brickwork features
    - (iv) Balconies including balustrades, handrails, screen panels
    - (v) Roof design including eaves detail and overhangs, dormers, chimney's etc
    - (vi) Porches
    - (vii) Communal entrances including steps and corresponding levels
    - (viii) Private entrances including steps and corresponding levels
    - (ix) Outbuilding including sheds, garages, car ports
    - (x) Bin stores and associated doors

- (xi) External boundary walls, fences and hedges
- (xii) Communal stairwells and lobby areas including personal mail boxes; storage areas for pushchairs; lighting and materials
- (xiii) Full dimensions and details of corridors – fire doors and front doors
- (xiv) Centralised telecommunication and television and radio reception and limitations to external aerials within the development to avoid need for further satellite dishes, antenna, cables on apartments
- (xv) All details of undercroft parking areas
- (xvi) Flues, outlets, vents, grilles, pipes, utility boxes, cables, cabinets, manholes, covers etc.
- (xvii) Rainwater down pipes and guttering

The development shall be carried out in accordance with the approved details subsequently approved. The works, buildings, artefacts or structures subsequently provided or erected shall thereafter be retained and maintained unless previously agreed in writing by the Local Planning Authority

**Reason:** To ensure that a coordinated high quality approach is achieved in the development and use of the site and the appearance of the building

47. The layout details required to be submitted pursuant to condition 6 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all principal entrances of dwellings (and/or level thresholds accessed by shallow ramps where level thresholds cannot be provided) linking the principal entrance of a dwelling to that which forms the public realm.

**Reason:** To ensure that dwellings will be accessible and are able to accommodate varying mobility needs over time.

48. Underground ducts shall be installed before any of the buildings hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that Order no



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distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity.

49. All Reserved Matters submissions for residential development shall include full details of the internal dimensions and layouts of all residential units and including their habitable rooms, including details and sizes and positions of windows. The Reserved Matters submission should include an assessment of whether any external architectural features are likely to affect any internal natural daylight levels, in order to ensure compliance with The Council's Residential Space Standards SPD (or other replacement standards that may be adopted in the future) and that all habitable rooms have a pleasant aspect and good levels of natural daylight and to avoid any rooms having only north facing aspect and windows.

**Reason:** – In the interests of residential amenity

50. All Reserved Matters submissions for residential development comprising dwelling houses, shall include details that demonstrate that the houses have the capability in physical terms and capacity to be extended in the roof space and by extensions outside the property. Upon approval, the dwellings shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local planning Authority. To be discussed.

**Reason:** To provide flexibility to extend and adapt homes in a sustainable manner to support changing needs of individuals and families at different stages of life.

### **Landscape and open space**

51. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 5 shall include full details of both hard and soft landscaping works for the Reserved Matters site. These details shall include proposed finished levels and contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (street furniture, play equipment, refuse or other storage units; signs and lighting); proposed and existing functional services above and below ground (e.g. drainage, power and communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

The details required by this condition shall apply to all land within the Reserved Matters site including areas of open space which fall within the Reserved Matters site, and for the avoidance of doubt, include the following:

- (a) Sports pitches and facilities;
- (b) Public parks, civic parks and urban parks;
- (c) Play areas including local areas for play, locally equipped areas for play or neighbourhood areas for play, including multi-use games areas;
- (d) Hard urban spaces;
- (e) Soft green spaces, including SUDS;
- (f) Green corridors;
- (g) Footpaths and cycleways;
- (h) Car parks.

Upon approval, the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that applications for Reserved Matters approval contain full and adequate information to enable proper assessment of the landscaping proposals as this application was made in outline form and approval of the specified details are still required.

52. The details of soft landscape works required in condition 38 above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

**Reason:** To ensure that applications for Reserved Matters approval contain full and adequate information to enable proper assessment of the landscaping proposals as this application was made in outline form and approval of the specified details are still required.

53. All planting, seeding or turfing approved by the Local Planning Authority pursuant to Reserved Matters applications shall be carried out in accordance with the approved details. The works shall be carried out in the first planting seasons following commencement of development in that Reserved Matters site unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interests of the amenity of the area.

54. A detailed Landscape Strategy for the Southern Fringe Character Area (as identified in the Chilmington Green Area Action Plan 2013) will be submitted

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as part of the first Reserved Matters submission for any development that falls within that specified Character Area. It will incorporate the landscape requirements set out in Policy CG6 of the AAP and will include the landscape strategy for the entire Character Area. The development shall be carried out in accordance with the approved Landscape Strategy unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance in accordance with Policy CG6 of the Chilmington Green Area Action Plan 2013.

55. A detailed Landscape Strategy for the Discovery Park Edge Character Area (as identified in the Chilmington Green Area Action Plan 2013) will be submitted as part of the first Reserved Matters submission for any development that falls within that Character Area. It will incorporate the landscape requirements set out in Policy CG7 of the AAP and will include the landscape strategy for the entire Character Area. The development shall be carried out in accordance with the approved Landscape Strategy unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance in accordance with Policy CG7 of the Chilmington Green Area Action Plan 2013.

56. The approved development shall be carried out in such a manner as to avoid damage to the existing trees to be retained, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2005, and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
  - (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
  - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
  - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
  - (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall

not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

**Reason:** Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 57. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.
  - a. No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998 Recommendations for Tree Work).
  - b. If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

**Reason:** Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 58. As part of the first submission of Reserved Matters for any Main AAP Phase pursuant to condition 10, a plan shall be submitted to and approved by the Local Planning Authority which shall show all the existing hedges or hedgerows to be retained, in accordance with the Parameter Plan OPA 06R (Open Spaces Plan), and which shall be supported by a Hedgerow Assessment which identifies the historic hedgerows to be retained. All hedges and hedgerows to be retained on and immediately adjoining that Phase shall be protected from damage for the duration of works on that Phase. Any parts of hedges or hedgerows to be retained are removed without the Local Planning Authority's prior written consent or which die or become, in the

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opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

**Reason:** To ensure the continuity of amenity afforded by existing hedges or hedgerows.

59. No trenches for underground services or foundations shall be commenced under the canopies of trees which are identified on the approved plans as being retained and within 5 metres of any hedgerows also shown to be retained without the prior written consent of the Local Planning Authority. Any trenches for underground services should be in accordance with the current NJUG guidelines.

**Reason:** To prevent damage to trees and hedgerows on the site.

60. All trees planted shall be protected against stock and rabbits when planted in accordance with details that shall have been previously agreed in writing with the Local Planning Authority and such protection shall be maintained for a period of five years from the time of planting.

**Reason:** In the interests of good forestry and amenity.

61. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 5 shall include a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. No development within that Reserved Matters site shall be occupied until the landscape management plan has been approved in writing by the Local Planning Authority and it shall be implemented as approved unless previously agreed in writing by the Local Planning Authority.

**Reason:** To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

62. All tree work shall be carried out to British Standard 3998 1989 "Recommendations for Tree Work", or such other replacement standard

**Reason:** In the interests of good arboricultural practice and of visual amenity.

63. On first occupation of each residential dwelling, a residents' information pack in respect of the approved soft landscaping and tree planting on the Plot (or

within communal areas) shall be provided to the occupier, The details of the residents' information pack shall have been previously agreed with the Local Planning Authority in writing.

**Reason:** In order to ensure that the approved soft landscaping and tree planting is understood by occupiers and those managing communal space and to help its early maturity.

### **Environmental protection – land contamination, flooding, drainage etc**

64. As part of any submission of Reserved Matters for any Main AAP Phase identified in condition 11, a Scheme of Minimum Environmental Requirements for the whole Main Phase shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be implemented in accordance with the Scheme of Minimum Environmental Requirements, unless otherwise agreed in writing by the Local Planning Authority. The matters to be addressed in the Scheme of Minimum Environmental Requirements shall include:

- i) Design, implementation and protection of landscaping to relevant British standards;
- ii) Code of Construction Practice at least to the minimum standards of the Considerate Constructors Scheme;
- iii) Protection of trees to relevant British Standard;
- iv) Hours of working for construction;
- v) A method statement giving details of the mitigation measures to control dust pollution arising from the construction works;
- vi) Provision to be made on site to accommodate construction vehicles loading, off loading or turning on site and the parking of site operative vehicles;
- vii) A method statement showing the phasing of the development within that Main AAP Phase;
- viii) Measures to minimise the noise generated by the construction process to include the careful selection of plant and machinery and use of noise barriers;
- ix) Design and provision of site hoardings;

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- x) Measures to prevent the transfer of mud and extraneous material onto the public highway;
  - xi) Measures to manage the production of waste and to maximise the reuse of materials;
  - xii) The routing of lorries to the site.

Upon approval, the development shall be carried out in accordance with the Scheme of Minimum Environmental Requirements unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure consistency of approach throughout the development of the site.

65. As part of the first submission of Reserved Matters within any Main AAP Phase identified in condition 10, the following strategies shall be submitted to and approved in writing by the Local Planning Authority:

- i) The levels of the site for the final development;
- ii) The provision and design of outdoor lighting;
- iii) The provision and design of street furniture;
- iv) The surfacing and design of the public realm;
- v) The provision and design of street signage;
- vi) The provision of recycling facilities;
- vii) Crime prevention and minimising the risk of crime including if necessary CCTV and future site management;
- viii) Car park lighting and signage on buildings;
- ix) Design and management for hard/soft landscaping;
- x) The management and location of utility services within the development;
- xi) The provision for centralised telecommunication and television and radio reception and limitations to external aerials within the development;

- xii) Refuse collection strategy including principles for the collection of refuse, provision for recycling of waste and access for refuse collection vehicles and management of communal/public refuse facilities. Are these covered anywhere else? If so, delete.

Further details to give effect to the approved strategies shall be submitted to and approved in writing by the Local Planning Authority as part of each subsequent Reserved Matters applications as appropriate and the development shall be carried out in accordance with the approved strategies and the details subsequently approved unless otherwise agreed in writing by the Local Planning Authority. The works, buildings, artefacts or structures subsequently provided or erected shall thereafter be retained and maintained unless previously agreed in writing by the Local Planning Authority.

**Reason:** To ensure that a coordinated high quality approach is achieved in the development and use of the site and the public realm

66. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 6 shall include a scheme which complies with the following requirements:
- a. The surface water drainage scheme should be based on the accompanying Flood Risk Assessment by WSP, dated July 2012, and should be in accordance with the Council's Sustainable Drainage SPD October 2010. The scheme should be based around SUDS with a presumption against piped conveyance systems and underground crated storage. Swales, rills and open channels should be used wherever possible. Discharge should be restricted to 4 litres per second per hectare with attenuation provided to the 100 year critical rainstorm event plus climate change for all phases of the development. Details should be provided of the maintenance of the surface water drainage scheme including any ordinary watercourses on the site. The scheme should take into account exceedance events to ensure that surface water runoff is routed safely away from the development. Overland flow routes should be defined.
  - b. Details of finished floor levels to metres above Ordnance Datum. Finished floor levels to be set above the 100 year flood level (FRA paragraph 20).
  - c. A flood risk assessment should be made of any existing and proposed culverts on the development site. This may require hydraulic modelling to determine flow capacity and impact of blockages of the culverts.
  - d. Proposed road levels should ensure safe dry access above the 100 year (including climate change) flood level (FRA paragraph 20).



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- e. Ensure no land raising within the floodplain. All built development to be located outside Flood Zone 3 (FRA paragraph 20).

No development within the Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning

Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved specification and timetable. No development within the Reserved Matters site shall be occupied until the detailed scheme for that Reserved Matters site is fully implemented.

**Reason:**

- a. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- b. To reduce the risk of flooding to the proposed development and future users.
- c. To ensure that existing and/or proposed culverts provide sufficient flow capacity (e.g. up to the 1 in 100 year plus climate change event) in order to reduce the likelihood of fluvial flooding affecting the development.
- d. To reduce the risk of flooding to the proposed development and future users.
- e. To prevent the loss of flood storage which may otherwise increase the flood risk to surrounding land and to reduce the risk of flooding to the proposed development and future users.

The applicant will need to provide further information with regard to the surface water drainage scheme to ensure that the proposed development can go ahead without increasing flood risk downstream of the site.

- 67. Prior to development commencing on each individual land parcel identified in condition 11, detailed plans and particulars shall be submitted which shall include a remediation strategy that includes the following components to deal with risks associated with contamination of the site:
  - i. A preliminary risk assessment which has identified:
    - a. All previous uses
    - b. Potential contaminants associated with those uses

- c. A conceptual model of the site indicating sources, pathways and receptors
  - d. Potentially unacceptable risks arising from contamination at the site.
- ii. a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - iii. the results of the site investigation, and the detailed risk assessment referred to in (ii) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iv. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

No development within the relevant land parcel shall be commenced until the remediation strategy has been approved in writing by the Local Planning Authority. The strategy shall be fully implemented and subsequently maintained, in accordance with the approved specification and timetable. No development within the Reserved Matters site shall be occupied until the detailed scheme for that Reserved Matters site is fully implemented.

**Reason:** To control pollution of land or water in the interests of the environment and public safety.

68. No development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy, referred to in condition 63 and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** To ensure that development is carried out in line with NPPF guidance and to ensure that risks to groundwater and other nearby water bodies are managed appropriately.

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69. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 63, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 63.

Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (LDF Core Strategy Policy CS1 and CS4)

70. Details shall be submitted as part of any Reserved Matters submissions which:
- Specify the responsibilities of each party for the implementation of the SUDS scheme referred to in conditions 53 and 57;
  - Specify a timetable for implementation; and
  - Provide a management and maintenance plan for the lifetime of the development.

This should include any arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** Under current legislation and guidance, SUDS rely on facilities which are not adoptable by sewerage undertakers and the applicant will need to ensure that arrangements exist for the long term maintenance of SUDS facilities.

71. Prior to development commencing on each individual land parcel, detailed plans shall be submitted to include a noise mitigation strategy. The strategy shall set proposed limits upon indoor ambient noise levels and external amenity area noise levels for each building type on the site and will include design criteria that will be employed to meet those levels. If necessary, the noise strategy shall include mitigation measures and no building hereby permitted shall be occupied until the necessary noise mitigation measures have been fully implemented on site.

**Reason:** To ensure that the applications for Reserved Matters approval contain adequate information to enable assessment of the detailed proposals so as to ensure that the amenities of occupants of properties are safeguarded.

72. Any restaurant, cafe, drinking establishment or hot food takeaway outlet within the application site shall only operate between the hours of 8.00 and 23.00 Mondays to Sundays inclusive.

**Reason:** To protect the amenities of any nearby residential properties.

73. The Community Building within the District Centre shall only be open between the hours of 8.00 and 23.00 Mondays to Sundays inclusive.

**Reason:** To protect the amenities of any nearby residential properties.

74. Prior to the commencement of the use of any premises with commercial kitchens within the development hereby permitted, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

**Reason:** To prevent the transmission of fumes and odours into neighbouring properties to protect amenity.

75. All submissions of Reserved Matters applications shall be accompanied by a statement to demonstrate compliance with the Council's Dark Skies SPD 2014.

**Reason:** In order to minimise light pollution in accordance with the Dark Skies SPD.

#### **Environmental performance – Code, CHP etc**

76. Each and every dwelling hereby permitted shall be carbon neutral. Each and every dwelling hereby permitted shall be constructed to achieve an overall minimum Code for Sustainable Homes (or subsequent equivalent quality assured scheme) Level 4, with a minimum of Level 4 for ENE 1 (Dwelling Emission Rate) 6 credits for ENE 2 (Fabric Energy Efficiency) and with 1 credit awarded under the Ene7 (Low and Zero Carbon Technologies) criterion (or subsequent equivalent criterion).

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- (a) Unless otherwise agreed in writing by the Local Planning Authority, no work on each dwelling shall commence until the following for that dwelling have been submitted to and approved in writing by the Local Planning Authority:
- (i) A feasibility study to establish the most appropriate local low and zero carbon (“LZC”) technologies to install
  - (ii) Standard Assessment Procedure (“SAP”) calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed. The baseline for calculation shall be the Building Regulations minimum standard applicable at the time of approval of the reserved matters application.
  - (iii) A Code for Sustainable Homes (as the case may be) ‘Design Stage’ report and related certification produced by a registered assessor
  - (iv) Details of the measures and LZC and other technologies to be used to achieve the Code for Sustainable Homes Level and credit(s) specified above. The development shall be carried out in accordance with the approved report and details.

The approved measures and LZC and other technologies for achieving the Code for Sustainable Homes Level and credit(s) specified above shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

- (b) Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until (i) and (ii) below (as the case may be) have been submitted to and approved in writing by the Local Planning Authority for that dwelling:
- (i) SAP calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions
  - (ii) a Code for Sustainable Homes ‘Post Construction Stage’ report and related certification produced by a registered assessor confirming the Code level that has been achieved and the requisite credits established in line with the design assessment.

**Reason:** In order to:

- (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources,
- (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and
- (c) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund,

thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in the NPPF.

77. (a) Each and every new non-residential building and shall be carbon neutral.
- (b) Each new non-residential building hereby permitted shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Excellent' standard (and no less than a 'Very Good' standard accompanied by a full justification as to why an 'Excellent' standard cannot be achieved) comprising the following minimum credit requirements:
- (i) 'Excellent' standard in respect of energy credits
  - (ii) 'Maximum standard in respect of water credits
  - (iii) 'Excellent standard in respect of materials credits
  - (iv) under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 10% reduction in carbon emissions.
- (c) Unless otherwise agreed in writing by the Local Planning Authority, no work on each new non-residential building hereby permitted shall commence until the following for that building have been submitted to and approved in writing by the Local Planning Authority:
- (i) A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within

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BREEAM 2011 New Construction (or subsequent equivalent requirements)

- (ii) Simplified Building Energy Model (iSBEM) calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed
- (iii) A BREEAM 'Design Stage' report and related certification produced by a registered assessor
- (iv) Details of the measures and LZC and other technologies to be used to achieve the BREEAM credit requirements and credit(s) specified above (as the case may be). The development shall be carried out in accordance with the approved report and details.

The approved measures and LZC and other technologies for achieving the BREEAM credit requirements and credit(s) specified above shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

- (d) Unless otherwise agreed in writing by the Local Planning Authority, no new non-residential building hereby shall be occupied until (i) and (ii) below have been submitted to and approved in writing by the Local Planning Authority for that building:
  - (i) SAP calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions
  - (ii) a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

**Reason:** In order to:

- (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources,
- (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and

- (c) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund,

thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPFF.

### **Ecology – mitigation measures, on-going need for surveys etc**

78. No development shall take place on any part of the site until a Site Wide Ecological Enhancement and Mitigation Strategy detailing the habitat and species mitigation for all four Main AAP Phases is submitted to and approved in writing by the Local Planning Authority. This should be based on the information contained in the Environmental Statement 2012 and the Environmental Statement Addendum 2013 and will confirm how any required ecological enhancement and mitigation measures are to be implemented, managed, phased and maintained in the long term, as well as setting out long-term ecological monitoring procedures for the site, and how public access, if any, will be permitted, restricted and managed.

Each phase of the development shall contribute to the delivery of a coherent ecological network, and the permeability of the site to species movements shall be an integral consideration. Corridors to facilitate movement and the use of under/overpasses shall be fully explored to allow unhindered movement of wildlife.

Where any part of the development would impact on important ecological assets, the Strategy shall demonstrate that appropriate mitigation is already in place and suitably established, prior to the commencement of that part of the development.

Detailed proposals for the delivery of all components of the Strategy shall be identified and the timing of delivery shall proceed in accordance with the approved timetable unless otherwise agreed in writing by the Local Planning Authority.

As part of the Strategy, a management plan and monitoring programme shall be produced for Phase II habitats and species affected by the development, which shall include details of how urbanising effects upon species and habitats will be managed to ensure that the nature conservation value of the site is maintained and wherever possible enhanced.

**Reason:** To protect the existing population of protected species and maintain and enhance their habitat on the site in the future, in accordance with Core Strategy Policy CS11 and AAP Policy CG21.



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79. No development shall take place until a Site Wide Biodiversity Monitoring Strategy has been submitted to and approved in writing by the Local Planning Authority. The purpose of the Strategy shall be to establish the effectiveness of specific biodiversity enhancements and shall include the following;
- i) Aims and objectives of monitoring to match the stated purpose;
  - ii) Identification of adequate baseline conditions prior to the start of development;
  - iii) Identification of appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
  - iv) Methods for data gathering and analysis, including location, timing and duration;
  - v) Location of monitoring;
  - vi) Timing and duration of monitoring;
  - vii) Responsible persons and lines of communication;
  - viii) Review and publication of results as appropriate.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the Strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met), how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the approved development. The monitoring strategy shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that the proposed development delivers the fully functioning biodiversity outcomes set out in the planning application.

**Reason:** To protect the existing population of protected species and maintain and enhance their habitat on the site in the future, in accordance with Core Strategy Policy CS11 and AAP Policy CG21.

80. As part of the submission of details of the Reserved Matters required by condition 5 in respect of each Reserved Matters site, a detailed ecological mitigation strategy for each protected species shall be submitted and approved in writing by the Local Planning Authority. This should be based on up to date species surveys, following good practice guidelines which are current at the time of the submission of the Reserved Matters application.

**Reason:** To protect the existing population of protected species and maintain and enhance their habitat on the site in the future, in accordance with Core Strategy Policy CS11 and AAP Policy CG21.

81. No development shall take place on any part of the site until a rolling programme for ecological update surveys, as outlined in the Environmental Statement 2012 and the Environmental Statement Addendum 2013, has been submitted to and approved in writing by the Local Planning Authority. The rolling programme shall identify which species and habitats will be subject to on-going survey, the methods to be employed, where the surveys will be carried out and the season during which such surveys need to be undertaken.

The approved update survey programme must ensure that surveys are undertaken in advance of the development of a particular part of the site as may be covered by a Reserved Matters or other application, and with sufficient time in advance to fully inform the preparation of such applications.

The ecological update surveys shall be carried out and the results submitted to the Local Planning Authority in writing. The surveys shall be accompanied by a comprehensive assessment to identify changes, if any, in the conservation status, abundance or distribution of Protected Species and their habitats likely to be affected by later phases of the development.

The Site Wide Ecological Enhancement and Mitigation Strategy pursuant to condition 51 shall be reviewed and updated in light of the results of the above ecological update assessments, and such updates to the Strategy shall be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that any changes in population and species numbers and behaviours are properly identified to update the Site Wide Ecological Enhancement and Mitigation Strategy, and to inform any Reserved Matters applications so that ecological mitigation measures are an integral part of the overall development.

**Reason:** To protect the existing population of protected species and maintain and enhance their habitat on the site in the future, in accordance with Core Strategy Policy CS11 and AAP Policy CG21.

82. As part of the submission of details of the Reserved Matters required by condition 5 in respect of each Reserved Matters site, a detailed mitigation and enhancement strategy in respect of bats shall be submitted to and approved in writing by the Local Planning Authority. This shall provide full details of the following:
- (a) The location, design and layout (including habitat type, width and details of the maximum gaps that bats are likely to cross) of foraging/commuting corridors across the site. The location of these

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should mirror, wherever possible, existing key foraging/commuting corridors identified during the bat surveys;

- (b) Details of the lighting strategies for all foraging and commuting corridors (ideally with light contour plans) to ensure that dark corridors are maintained across the site for bats to use;
- (c) details of how habitat connectivity across roads will be maintained;
- (d) How the locations(s) of any replacement or roosts installed as enhancement will be connected to the network of corridors.

Upon approval, the development shall be carried out in accordance with the mitigation and enhancement strategy.

**Reason:** To protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

83. As part of the submission of details of the Reserved Matters required by condition 5 in respect of each Reserved Matters site, a detailed mitigation and enhancement strategy in respect of dormice shall be submitted to and approved in writing by the Local Planning Authority. This shall provide full details of the following:
- (a) An updated survey for dormice shall be undertaken for all habitats which may support the species;
  - (b) Full details of how works to habitat supporting dormice will be undertaken (including, for example, information on timing, habitat management and movement of animals);
  - (c) Full details of any habitat creation and/or enhancement works, and the timeframe for their creation, to accommodate any displaced dormice;
  - (d) Details of how habitat connectivity will be maintained between blocks of woodland/hedgerows to allow dispersal of animals;
  - (e) Details where applicable, of measures required to ensure that roads and other infrastructure do not act as barriers to dispersal;
  - (f) Details of the long-term management proposals for all habitats, both retained and created, where dormice are present along with details of the monitoring strategy to ensure that the population of dormice is conserved, and wherever possible enhanced at the site.

Upon approval, the development shall be carried out in accordance with the mitigation and enhancement strategy.

**Reason:** To protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

84. As part of the submission of details of the Reserved Matters required by condition 5 in respect of each Reserved Matters site, a detailed mitigation and enhancement strategy in respect of great crested newts shall be submitted to and approved in writing by the Local Planning Authority. This shall provide full details of the following:

- (a) The location, design and layout of any habitat creation areas for great crested newts. This should include details of the timing of the works to ensure habitats are sufficiently established to accommodate any translocated animals;
- (b) Details of habitat connectivity will be maintained/enhanced for great crested newts to ensure that interchange within, and wherever possible, between populations is maintained and enhanced.
- (c) Details, where applicable, of measures required to ensure that roads do not act as barriers to dispersal through sympathetic layout/design and newt friendly gully pots, for example.

Upon approval, the development shall be carried out in accordance with the mitigation and enhancement strategy.

**Reason:** To protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

85. As part of the submission of details of the Reserved Matters required by condition 5 in respect of each Reserved Matters site, a detailed mitigation and enhancement strategy in respect of widespread reptiles shall be submitted to and approved in writing by the Local Planning Authority. This shall provide full details of the following:

- (a) The location, design and layout of any habitat creation areas for reptiles. This should include details of the timing of the works to ensure habitats are sufficiently established to accommodate any translocated animals;
- (b) For the more wide ranging grass snake, details should also be provided of how habitat connectivity will be maintained/enhanced.

Upon approval, the development shall be carried out in accordance with the mitigation and enhancement strategy.

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**Reason:** To protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

86. As part of the submission of details of the Reserved Matters required by condition 5 in respect of each Reserved Matters site, a detailed mitigation and enhancement strategy in respect of breeding and wintering birds shall be submitted to and approved in writing by the Local Planning Authority. This shall provide full details of the following:
- (a) The location, design and layout of the habitat mitigation areas for birds including the greater than 60 hectares of farmland which is to be managed in a sympathetic manner for farmland birds through the inclusion of skylark plots for example;
  - (b) Details of how the management of the farmland for the benefit of wildlife in the long term will be secured.

Upon approval, the development shall be carried out in accordance with the mitigation and enhancement strategy..

**Reason:** To protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

87. As part of the details of Reserved Matters required by condition 6 in respect of each Reserved Matters site, a detailed mitigation and enhancement strategy in respect of badgers shall be submitted to and approved in writing by the Local Planning Authority. This shall provide full details of the following:
- (a) An updated survey for badgers should be undertaken for all habitats which may support the species;
  - (b) Full details of the mitigation strategy for badgers that will be implemented (including for example, information on timing and habitat management;
  - (c) Full details of any habitat creation and/or enhancement works and the timeframe for their creation, to accommodate any displaced badgers;
  - (d) Details, where applicable, of measures required to ensure that roads and other infrastructure do not act as barriers to dispersal.

Upon approval, the development shall be carried out in accordance with the mitigation and enhancement strategy.

**Reason:** To protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

88. As part of the details of the Reserved Matters required by condition 5 in respect of each Reserved Matters site, a detailed mitigation and enhancement strategy in respect of woodlands and other habitats and features of nature conservation interest, shall be submitted and approved by the Local Planning Authority.

Upon approval, the development shall be carried out in accordance with the mitigation and enhancement strategy.

**Reason:** To protect the existing populations of species and areas of wildlife habitats and to improve habitat on the site.

89. As part of the details of the Reserved Matters required by condition 6 in respect of each Reserved Matters site, details shall be submitted to and approved in writing by the Local Planning Authority of bird and bat boxes together with a plan showing their distribution in the proposed development. Dwellings that are identified for provision of bird and bat boxes shall only be occupied following the provision and attachment of such boxes in accordance with the approved details pursuant to this condition.

**Reason:** To ensure that the impact of the development is appropriately mitigated in terms of nesting opportunities for birds and bats.

90. As part of the first Reserved Matters submission in any Main AAP Phase, a detailed Access Management Strategy shall be submitted to and approved in writing by the Local Planning Authority, which includes measures such as the provision of on-site circular walking routes and the provision of high quality semi-natural green space within close proximity to all residential areas of the development within that Main Phase. Upon approval, the Access Management Strategy shall be carried out, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of providing access to open space within the development and reducing recreational pressure on designated sites within the locality of the application site.

## **Construction**

91. No development in any Main AAP Phase pursuant to condition 10, shall take place until a Site Wide Construction Environmental Management Plan (CEMP) for that Phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based on the Framework Construction Environmental Management Plan contained at Appendix A3.2 of the Environmental Statement Addendum 2013 and the construction of the development shall be carried out in accordance with the approved CEMP

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unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) An indicative programme for carrying out the works;
- (b) Management of traffic visiting the site, including which roads shall be used for haulage and what areas are to be used as holding areas;
- (c) Road and footpath closures;
- (d) Access arrangements for high-sided or abnormal width vehicles in and out of the site;
- (e) Areas to be used for material storage and compound areas;
- (f) Proposals for artificial lighting;
- (g) Off-site signage;
- (h) Measures to minimize and mitigate dust on site;
- (i) Design and provision of site hoardings;
- (j) Provision of off-road parking;
- (k) Measures to prevent the transfer of mud and other materials on to the public highway;
- (l) Measures to minimize the potential for the pollution of ground and surface water;
- (m) Monitoring of ground water;
- (n) Measures to manage waste produced on site (whether through demolition/site clearance or of new building materials) and to maximize the recycling and reuse of such materials;
- (o) Measures to minimise the impact of vibration from the construction process;
- (p) Location and design of site offices and construction vehicle access points;
- (q) Arrangements for consultation and liaison during the construction process with the residents and businesses near and adjoining the site;

- (r) An assessment of the impact on water quality, habitat management and aftercare of assets;
- (s) Measures to minimise impacts on biodiversity, including habitats and species along with connections to the wider environment;
- (t) Proposals for monitoring the CEMP.

The Main Phase CEMP will be required to demonstrate that the results of the Environmental Assessment are still valid. If this proves not to be the case, then additional information will be required to demonstrate the environmental effects and to provide mitigation if necessary. No development shall take place until this information had been submitted to and approved by the Local Planning Authority.

Upon approval, the development shall be carried out in accordance with the CEMP unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of minimising disruption to the surrounding area and nuisance to local residents and to ensure that the requirements of the Environmental Impact Assessment Regulations 1999 (as amended) and the EU directive are given effect.

92. As part of the details of the Reserved Matters required by condition 6 in respect of each Reserved Matters site, a Site Specific CEMP shall be submitted to and approved in writing by the Local Planning Authority. The site specific CEMPs shall be based on the site wide CEMP and shall include the following:

- (a) Details for the management of waste arising from the construction process;
- (b) Siting and design and drainage proposals for any temporary construction offices, buildings and storage compounds/areas on or off that site;
- (c) Measures proposed to mitigate against adverse effects of noise and dust arising during the construction of the proposed development;
- (d) The proposed hours of operation of construction activities;
- (e) The frequency, duration and means of operation including demolitions, excavations, drilling, piling and concrete production;
- (f) Sound attenuation measures to be incorporated to reduce noise at source;



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- (g) Details of temporary lighting;
  - (h) Arrangements for site access and vehicle parking;
  - (i) Arrangements for high-sided or abnormal width vehicles in and out of that site;
  - (j) A Construction Workers Travel Plan.

The Site Specific CEMPs will be required to demonstrate that the results of the Environmental Assessment are still valid. If this proves not to be the case, then additional information will be required to demonstrate the environmental effects and to provide mitigation if necessary. No development shall take place until this information had been submitted to and approved by the Local Planning Authority.

No development within that Reserved Matters site shall be commenced until such Site Specific CEMP has been approved in writing by the Local Planning Authority and upon approval, it shall be adhered to during all stages of the construction, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of minimizing disruption to the surrounding areas and nuisance to local residents.

93. No construction, demolition or engineering works shall take place on any Sunday, Bank Holiday or Public Holiday. Such works shall only take place between the hours of 07.30 and 18.00 weekdays, and 08.00 and 13.00 on Saturdays unless otherwise agreed in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or be operational on the development site outside of these permitted hours.

**Reason:** In the interests of protecting the residential and general amenity of the area from any harmful effects arising from construction work and to ensure that the requirements of the Environmental Impact Assessment Regulations 1999 (as amended) and the EU directive are given effect.

### **Earthworks Strategy**

94. No development shall take place until an Earthworks Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall demonstrate how the cut and fill operations contribute towards the aim of achieving as close as reasonably practicable to a balance within the site, so that there is not a net import or export of soil.

Should the Earthworks Strategy demonstrate that a cut and fill balance is not achieved, it will be necessary to demonstrate that the results of the Environmental Assessment are still valid. If this proves not to be the case, then additional information will be required to demonstrate the environmental effects and to provide mitigation if necessary. No development shall take place until this information had been submitted to and approved by the Local Planning Authority.

The development shall proceed in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To reduce the net import or export of soil from the development in the interests of sustainability and to ensure that the requirements of the Environmental Impact Assessment Regulations 1999 (as amended) and the EU directive are given effect.

### Archaeology

95. No development shall take place within each of the four Main AAP Phases until the applicant, or their agents or successors in title, has secured the implementation of:

- i. Archaeological field evaluation works in accordance with the Chilmington Green Schedule of Archaeological Resource Management (SARM) and specifications and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with the CG SARM and a specification and timetable which has been submitted to and been approved by the Local Planning Authority.

**Reason:** To ensure appropriate and integrated assessment of the archaeological implications of any development proposals per main phase and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

96. The applicant or their agents or successors in title, will secure the retention, integration and conservation of specific historic landscape features in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that features of historic landscape interest are properly conserved.

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97. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape recording work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that features of historic landscape interest which cannot be preserved in situ are properly examined and recorded.

98. No development shall take place within Main AAP Phase 3 until the applicant, or their agents or successors in title, has marked out the alignment of the Roman Road from Chilmington Green Road to Stubbs Cross Wood in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that this heritage asset is appropriately preserved and reflected on the surface as part of the heritage interpretation programme.

99. The applicant, or their agents or successors in title, will implement a programme of heritage interpretation measures in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that appropriate conservation and interpretation of the heritage assets within the application site is achieved and that information on the assets is publically accessible.

### **Retail Floorspace**

100. Only one supermarket shall be provided within the development and the gross floorspace of the supermarket shall not exceed 3,100 sq metres.

**Reason:** To ensure that the development is carried out in a manner envisaged by the outline application by ensuring that the proposed supermarket only serves local needs.

101. Apart from the supermarket pursuant to condition 95, no other single unit falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order) shall have a floorspace greater than 500 square metres (gross internal area), unless any variation is otherwise approved in writing by the Local Planning Authority. The floorspace for the purposes of this condition shall include any basement, mezzanine or upper levels.

**Reason:** To ensure the provision of local retail facilities in accordance with Policy CG3 of the Chilmington Green Area Action Plan.

## Housing

102. The development shall achieve a balanced mix of unit sizes. The overall dwelling mix across the whole development shall be as follows:

1 bed flats	no less than	1.4%
2 bed flats	no less than	5.9%
2 bed houses	no more than	18.8%
3 bed houses	no more than	35.3%
4 bed houses	no more than	27.9%
5 bed houses	no more than	<u>10.8%</u>
		<u>100.0%</u>

In accordance with condition 11, the Phased Development Plan for each Main Phase shall include the details of the housing mix that will be achieved across that Phase. It will also demonstrate how the housing mix in that particular phase will contribute towards the overall housing mix across the development required by this condition, taking into account the housing mix in the previous phase(s) if any. All subsequent Reserved Matters submissions for residential development within that Phase shall demonstrate that it is achieving the overall housing mix for the Phase unless otherwise agreed in writing by the Local Planning Authority, in accordance with its up to date Housing Strategy.

**Reason:** In order to achieve a satisfactory mix of housing across the site as proposed in the outline application.

103. List of approved plans

### Informatives

1. Flood risk

Any watercourse within the boundary of the site would be classed as an 'ordinary watercourse' and comes under the terms of the Land Drainage Act 1991, whereupon any culvert, diversion, weir dam or like obstruction to the flow of the watercourse requires a flood defence consent (also known as a 'land drainage consent') from Kent County Council. In the absence of any agreement to the contrary, maintenance of the watercourse is the responsibility of the riparian owner. Applications for consent should be made to Kent County Council (suds@kent.gov.uk; main switchboard number is 0845 8247 247).

Part of the eastern side of the site appears to be located within the River Stour Internal Drainage District, where any watercourse would be classed as an 'ordinary watercourse' and comes under the terms of the Land Drainage Act 1991, whereupon any culvert, diversion, weir dam

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or like obstruction to the flow of the watercourse requires the consent of the River Stour Internal Drainage Board, under the Land Drainage Act 1991. In the absence of any agreement to the contrary, maintenance of the watercourse is the responsibility of the riparian owner. Application for consent should be made to the River Stour Internal Drainage Board (Tel: 01227 462 377; enquiries@riverstouridb.org.uk).

## 2. Land contamination

The preliminary site report or phase 1 Geo- Environmental Assessment investigation WSP Report and Phase II Geo-environmental and Geotechnical WSP Report has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the LPA before any site clean-up works are commenced.

The Environment Agency would expect to see the outstanding chemical results mentioned in the Phase II Geo-environmental and Geotechnical WSP Report and the updates to the risk assessment. This should inform what further remediation should be carried out on the site within this Phase of the development.

## 3. Waste

The development falls within 250m of known gassing or potentially gassing permitted landfill site - (developer) information.

Landfill gas which consists of methane and carbon dioxide is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. It is also a greenhouse gas and therefore contributes to global warming. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance. The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites frequently have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

1. Waste Management Paper No 27

2. Building Research Establishment guidance – BR 212 ‘Construction of new buildings on gas-contaminated land’ 1991
3. CIRIA Guidance – C659 ‘Assessing risks posed by hazardous ground gases to buildings’ 2006

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

If the applicant wishes more specific advice they will need to contact the Environment Management Team at our Canterbury Office on 01732 222 877 or look at available guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>.

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction.

Since 6 April 2008, it is a requirement for all new construction projects worth more than £300,000 to have a Site Waste Management Plan (SWMP). Each project should have one SWMP.

A SWMP is a live document. It must be updated through the course of the project.

It is designed to assist developers to consider ways that waste can be reduced and site-gained materials can be reused or recycled as part of the project

Ideally, a SWMP should contain:-

- types of waste removed from the site

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- identity of the person who removed the waste and their waste carrier registration number
  - a description of the waste
  - site that the waste is taken to
  - environmental permit or exemption held by the site where the material is taken. For advice and further details please contact us on 08708 506 506 or refer to [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Further, any contaminated soil that is required to leave the site would be deemed as waste and must be disposed of with the correct paperwork for hazardous waste material and must be disposed of at a suitably permitted facility. Management of such waste is subject to legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

#### 4. Pollution Prevention

The developer should prepare an Incident Management Plan which should cover amongst other things, measures for the prevention of pollution, access to pollution control equipment, Oil and Chemical spills, dust, transfer of demolition wastes, avoidance of cross contamination of hazardous and non-hazardous/inert material, with particular reference to ensure the proposed operations on the site:

- does not disrupt existing sewerage facilities
- does not disrupt and pollute existing drainage systems
- does not impact and pollute surrounding water bodies

The plan should also cover Oil Storage, a map of all drainage (surface & foul) on the site and a Pollution Response Plan to deal with any pollution incidents. The plan should be made known to members of staff on the site and include emergency contact details for who is responsible for Pollution Incident Management.

In reference to the plan consideration should be made to Pollution Prevention Guidance (PPG) documents: PPG 6 - "Working at Construction and Demolition Sites", PPG 7 - "Refuelling facilities" and PPG 13 - "Vehicle Washing and Cleaning facilities which are to be set up on site. Post development of the site, the operator of the distribution centre and associated infrastructure will be required to maintain these documents for effective monitoring and prevention of pollution incidents.

For advice on pollution prevention measures, the applicant should refer to our guidance 'PPG1 – General guide to prevention of pollution', which is available on our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

5. Sustainable design

Water conservation techniques should be incorporated into the design of all new developments. To tackle climate change it is necessary to reduce energy use by adopting more efficient technologies. As such, we welcome the inclusion of efficiency measures/renewable energy within this development.

6. Informative (KMBRC)

The Kent & Medway Biological Records Centre (KMBRC) collects, collates and disseminates wildlife species and habitat data for the County of Kent and Medway Unitary Authority. To improve the extent and quality of the records held by KMBRC, the applicant should submit an electronic copy of any species or habitat survey data they have obtained to KMBRC.

Details of how to submit data may be found on KMBRC's website [www.kmbrc.org.uk](http://www.kmbrc.org.uk)

7. Southern Water's records don't show any public sewers crossing the site. However it is possible, due to legislation changes regarding the future ownership of sewers, that a sewer now deemed to be public could be crossing the site. If a sewer is found during construction works, it will need to be investigated.



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No development shall take place over any public rights of way until any required diversion or extinguishment orders have been confirmed and availability of any new routes have been approved by the planning authority.

That any necessary PROW changes and surfacing is agreed with KCC's PROW and Access Service prior to commencement of each phase.

8. Section 106.

### Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. Working with the applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- The applicant/agent was updated of any issues after the initial site visit,
- Was provided with pre-application advice,
- The applicant responded to the request for amended plans by submitting amended plans, which were found to be acceptable and permission was granted subject to S106 Agreement and conditions. .

- The application was dealt with/approved without delay given the complexity of the scheme.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

**In accordance with Procedure Rule 15.5 Councillors Davison and Mrs Heyes requested that their votes against the resolution be recorded in the Minutes.**

**In accordance with Procedure Rule 15.5 Councillors Chilton, Ovenden, Wedgbury and Yeo requested that their votes in abstention be recorded in the Minutes.**