



Comments on CA/25/00779 - Outline application for mixed use development of up to 1350 dwellings on land principally accessed from South Street & Chestfield (Brooklands Farm)

Submitted: 20th June 2025

1. Introduction

This document is a principled objection to application CA/25/00779 on behalf of Cllrs Chris Cornell (Gorrell), Cllr Charlotte Cornell (Seasalter) & Cllr Simon Warley (Tankerton). Cllr Naomi Smith (Seasalter) is a member of the council's planning committee and as such is not commenting on this application until the public hearing.

This document outlines our feedback on the application, objections with reference to both the Council's existing Local Plan 2031 and the updated National Planning Framework (NPPF) 2025. Whilst we oppose the application at this time, we acknowledge the considerable effort that has been included in this application; there is clear evidence of iteration of the design based on the feedback of the council, residents and independent design review panel. In recognition of this, and the applicant's acknowledgement that they are 'flexible & open to ideas', we have included a number of outstanding questions and opportunities which we hope the applicant may choose to consider.

Whilst the draft Local Plan is not binding at this juncture, we wish to acknowledge the efforts made to consider its ambition. The application includes many positive features the current administration is seeking to make a standard feature of new housing developments in the area, including:

- a biodiversity net gain on site of 20% and a minimum of 20% on site tree cover (Draft Policy SS1)
- a minimum of 30% affordable housing (Draft Policy DS1)
- the introduction of accessible community hubs, reducing the reliance for daily travel and encouraging 'local living' (Draft Policy SS2)
- Development of a stewardship strategy to ensure a more sustainable long-term plan for the maintenance of open space.

The design includes Integrated public transport infrastructure including dedicated bus lanes, interactive information screens and hopper buses to reduce congestion in our urban areas (an ambition of Canterbury District Bus Strategy (2024) and has a strong focus on placemaking most evident in the inclusion of character areas which reflect the diversity of architectural styles in Whitstable, Chestfield and Tankerton.

The careful planning of green space throughout the site a new major 'LEAP' (Local Equipped Area for Play), a skate park, BMX pump track and 7 playing fields with associated changing facilities is to be applauded. However, it is our opinion that submitting this application before the Draft Local Plan has been submitted to the Secretary of State is premature and unwise. The council has recently announced its intention to vary its Local Development Scheme (the timetable on which the Local Plan is developed) and go out to a further Regulation 18 consultation in the autumn. This consultation suggests that changes to the Draft Local Plan, sites and strategies may be proposed before the Regulation 19 phase.

Specifically, we believe that it fails to allow councillors to consider an application which could have:

- improved affordable housing provision - particularly in the rental sector. The government's new NPPF, published after the draft local plan, legally defines (for the first time) social rents as 60% of market rate and removes the covenant on local authorities to ensure 25% of all affordable housing is delivered through 'First Homes'. We believe it is likely that the Draft 19 will include a more detailed assessment of what tenure affordable housing could and should be locally
- better delivered on our district Sustainable Design Guide which includes stringent targets on water efficiency (90l per person per day), solar gain and zero carbon construction practices which are not met in the applicant's sustainable development strategy
- better integrated with wider discussions about transport provision. The application proposes a hopper bus into town without consideration for how this could benefit the proposed Park and Ride at Bernacre View or contributions from this site and Church Lane could make diversion of Stagecoach routes more viable.

2. Environmental Objections

- 2.1. Residents are rightly concerned about the loss of agricultural land in and around Whitstable changing the character of the town in what they believe is an unplanned and unmanaged way. Typically, the character of an area would be established by determining the urban area and not allowing development outside of it, however the council has been unable to consistently do this since 2002 when the government sanctioned it, historically failing to deliver its Affordable

Housing Targets. The council's ability to rectify this has since been hampered by Natural England's advice that building in the Stodmarsh catchment cannot be sanctioned unless mitigation is in place to prevent rising nitrogen and phosphate levels which cause eutrophication in the lakes and damage the wildlife.

The government sanction means that the local planning authority (LPA) is expected to grant permission for schemes unless it can be proved that the application breaches the NPPF. Local policies are not given weight in decision making.

Developments which would not traditionally be granted permission including land at Church Lane (CA/25/00867), Montpelier Avenue (CA/22/02650/VAR), Harrier Lodge (CA/21/01696/FUL), Bernacre View (CA/22/02586) and the Paddock (CA/23/01125) have been granted either by committee or on appeal to the Planning Inspectorate. It has led to building in the area between the New and Old Thanet Way which was not expected in the current Local Plan when it was drafted.

We welcome the narrative in this application that the plans show it not entirely reliant on the infrastructure available within Whitstable town centre alone but still have grounds to object on.

2.2. Countryside Protection

- 2.2.1. Brooklands Farm lies outside the defined settlement boundary and is designated as Countryside under Policy SP4 of the Local Plan. The policy clearly states that development in the countryside will not be permitted unless it is necessary to meet an essential local rural need or justified by national policy. The current adopted local plan (to 2031) has sufficient sites to deliver on the current housing need data as used for the generation of the document.
- 2.2.2. Whilst the settlement boundary remains in Whitstable, policy TCL6 stipulates that the applicant must prepare an impact assessment based on the sequential test established in the NPPF to ensure out of town developments over 2,500sq m do not compromise the town centre economy. The first step of this test is to look at alternative locations for new industrial sites, regardless of the residential element of any application.

The Town Centre Land Uses Statement provided by Nexus Planning (March 2025) includes evidence of the search for alternative sites but, in our opinion, fails to adequately explain why the parcel of land East of Whitstable Harbour (proposed as Draft Policy W2) would not be both available and viable. The statement makes vague references to development potentially conflicting with the demands of the Harbour without defining what these are and requires more scrutiny.

- 2.2.3. The proposed development site lies within the Blean Woods Area of High Landscape Value (AHLV) as designated in Kent and Medway Structure Plan (2006) and recognised in the Canterbury District Local Plan (2017). The adopted Local Plan includes Landscape Character and Biodiversity Appraisal (Jacobs, 2012) which defines the strategic habitat network of the district. This site is listed as part of Section 10 - 'Chestfield Wooded Farmland' and with guidance that the area should be 'conserved' and good habitat conditions 'reinforced'.

Whilst we are aware that a 2021 review of the District Local Landscape Designations proposed a redrawing of the boundaries of the Blean AHLV to remove the Brooklands site, these changes have not been formally adopted by the council and cannot be given planning weight.

Development proposals within the AHLV (2006) are expected to be sensitively designed, landscape-led, and demonstrably necessary - a criteria which this scheme fails to meet. The applicant has, to date, provided no detail on how they would mitigate this loss.

Cross section plans for the site which show how taller, higher density housing will sit in relation to the brow of the hill (affecting sight lines) have not been provided.

2.3. Potential loss of Best and Most Versatile Agricultural Land

- 2.3.1. Under the National Planning Policy Framework (NPPF), Grade 3a land is considered Best and Most Versatile (BMV) agricultural land and is afforded protection. Paragraphs 001 and 002 of the Planning Practice Guidance for Natural Environment stipulate how land should be tested and graded through an Agricultural Land Classification.

- 2.3.2. Appendix 6 of the Agricultural Land Classification prepared by Amet presents the site as entirely Grade 3b or 4. However the auger test plot data does show samples 52 and 53 as graded 3A and adjoining sites (66,51 and 71) close to the 3A classification. All these samples are located in land straddling South Street, east of Longtye Wood and not subject to more detailed 1m deep test pits (dug at 18, 19, 30, 80).
- 2.3.3. We believe that until it can be independently assessed that sections of this land are not 3A and that permission can't be granted elsewhere on poorer quality land, the authority is in breach of EMP12, its adopted policy on agricultural land. Planning Practice Guidance suggests that dig pits should be sunk where there is a change in main soil type of ALC grade to provide a fair depiction of the site has not been followed.

2.4. Unacceptable Ecological Impacts

- 2.4.1. The applicant's Environmental Statement (Nexus April 2025) identifies potential impacts on priority habitats and European Protected Species, including bats, slow worms and great crested newts (the latter within the vicinity, although 13.51 says more specifically that Great crested news 'were found in certain locations'), which are reported within the locality of the site (p.25). Under Regulation 62 of the Conservation of Habitats and Species Regulations 2017, planning permission must not be granted unless: no satisfactory alternative exists; the development is in the overriding public interest; mitigation is secured. None of these legal tests are satisfied. The proposed mitigation is vague, heavily reliant on post-permission conditions, and lacks enforceable implementation mechanisms. This contravenes the principles established in *Champion v North Norfolk DC* [2015] UKSC 52.

Regarding the slow worm population, the applicant is inconsistent; at one point (13.13) discussing a 'good population of slow worms' and later (13.51) a 'small population'. The survey results appear to be vague here. The applicant suggests that the slow worms are reliant on 'off site garden habitats' and so the impact would be a not significant, minor adverse effect. We would dispute this, the applicant does not consider the nesting habitats of the species in these potential harms and offers no concrete translocation plans, prior to works. Slow worms like rough grassland,

intensely managed grassland, and scrub. Slow worms are a priority species in the UK post-2010 biodiversity framework. The reptile retention plan delivered by the applicant (13.36) is insubstantial and not-fit-for-purpose to be reassured that harms will be minimal.

- 2.4.2. The proposed development would result in the loss of at least two established ponds within the 250m site buffer that would be functionally lost. This is a significant ecological concern, particularly given the acknowledged potential presence of great crested newts (see above) and other amphibians, which rely on such aquatic habitats for breeding and foraging. These ponds also contribute to the landscape's natural drainage function, supporting water retention and reducing surface runoff.

The applicant's own ecological assessment, as detailed in the Environmental Statement – Great Crested Newt (CA/25/00779-ES), acknowledges the presence of suitable habitats for great crested newts within the site. This protection of the habitat needed by this species is listed under NPPF Paragraphs 174 and 180, and Canterbury Local Plan Policy LB2.

The loss of these ponds would have a detrimental impact on local newts whilst the applicant is willing to pay a commuted sum to relocate them elsewhere, there is no detail as to where the alternative ponds would be located, as these would be provided (x2) by Natural England in the wider landscape, meaning the likely ecological loss of the newt and other animals to the Chestfield area.

Given the applicant does not have a full GCN survey and is reliant on Natural England's modelled 'No-Survey' option, we argue this is insufficient. The planning authority, given the acknowledged presence of newts (see 2.4.1) should require a detailed field survey to ensure there is not a high population density, and thus a potential red reclassification.

2.5. Risk of Flooding

- 2.5.1. The applicant's Flood Risk Assessment acknowledges that the site includes land classified by the Environment Agency as in either Flood Zone 2 (with a medium probability of flood 1 in every 100 years) or Flood Zone 3 (with a high probability of flood 1 in every 100 years). This risk is

fluvial and minimised by the applicant's decision to not build on the flood plain, however Policy CC5 states that a sequential test for any infrastructure should be applied on sites including such zones. By deciding to develop any site with a flood plain, paragraph 167 of the NPPF says it is abundant on the applicant to use 'opportunities provided by new development and improvement in green and other infrastructure to reduce the causes and impacts of flooding' on or off site.

We argue that there has been little evidence by the applicant of how pluvial flooding infrastructure (sustainable urban drainage system) could be used to prevent fluvial flooding particularly between the site and Swalecliffe Wastewater Treatment plant where there is evidence of homes already built in Flood Zone 2.

- 2.5.2. The historic flood map shows evidence of historic, surface water flooding at both the bridge over the Swalecliffe Brook on South Street and underneath the Thanet Way on Radfall Hill. There is as yet no evidence of how the development will counter either, despite the latter being acknowledged in the Transport Assessment as a risk to the efficiency of the A299 slip.

- 2.5.3. A major concern of local residents is pluvial flooding and the risk it poses to the capacity of the WasteWater Treatment Centre at Swalecliffe. A Baseline Risk and Vulnerability Assessment (BRAVA) carried out by Southern Water in 2023 acknowledges that there are significant risks of both hydraulic overload at the plant and an over reliance on the use of combined storm overflows(CSO's) to reduce capacity within the system during periods of intense rainfall.

The diagram below shows spills data for the 8 operational CSO's across Whitstable between 2021 and 2024. It shows the total duration of all spills (TD) and the number of 12-hour periods in which a spill occurred across the year (S).

Table 2.5.3.1 Spill data from Storm Overflows across Whitstable 2021-2024

	2024		2023		2022		2021	
	TD	S	TD	S	TD	S	TD	S
Brook Road CEO							4.86	3

Chestfield Storm Tanks	4.50	1	10.89	2				
Swalecliffe WWTW CSO	685.14	73	923.21	118	528.30	87	874.16	110
Swalecliffe WWTW SSO	15.04	3	37.93	11	28.67	4	56.01	8
Diamond Soad CEO	86.36	23	81.64	34	41.39	18	93.98	26
Northwood Road CSO 1	4.57	7	7.21	10	8.45	7	26.67	16
Northwood Road CSO 2	7.34	11	16.54	25	22.91	10	12.56	10
Tankerton Circus CSO	12.13	24	10.32	22	9.94	18	16.67	19

In 2024, Southern Water CSO's at the Swalecliffe Water Treatment Plan were used 76 times, discharging a mix of raw sewage and rainwater into our seas over 704 hours.

86% of the pollution incidents noted in the Drainage and Wastewater Management Plan (2023) of the site, are due to pumping station or treatment capacity. Between 2017 and 2019 the Dry Weather Flow Compliant rate was between 80% and 100% of the EA permitted rate.

Whilst the new Southern Water Business Plan for AMP6 (2025-2030) includes £75m investment at Swalecliffe Water Treatment Plan to increase the capacity of the plant to 650l/s (currently 205l/s) the lack of evidenced early engagement by Southern Water on this application site is concerning to local residents. The opinion of Southern Water as to whether they have the capacity to deal with this new estate should carry great weight.

The plans for a sustainable urban drainage system (SUD) on this site are currently incomplete. Whilst the application does acknowledge the location and stress capacity of SUDS in different parts of the site (41,344m²) there is no mapping which shows what combination of swales, soak away trenches and underground tanks will be used, how they will flow into one another and whether they will be discharged into the Brook or allow for ground infiltration. We are shown a vague hierarchy which suggests water will be retained over ground and can't adequately

assess the suitability of this plan in different parts of the site until it is revealed.

Paragraph 182 of the NPPF stipulates that plans should list appropriate proposed minimum operational standards and detail of maintenance arrangements to ensure an acceptable standard of operation for the lifetime of their development. The SUDS guidance attached to the Kent Design guide recommends an outline drainage strategy be submitted alongside any planning application showing design calculations for peak flow, volume control, permeability of services and exceedance routes.

The outline application unacceptably delays this to the reserved matters stage.

3. Transport Objections

- 3.1. Residents are concerned about the impact that any new housebuilding will have on the A299 and traffic around Whitstable. Whilst we welcome the eastbound slip roads on the A299 which substantially mitigate the effect flows (particularly eastbound on the Thanet Way) we consider it short sighted that westbound slips onto the A299 were also not considered as a means of reducing flows westbound on the A299.

3.2. The accuracy of transport modelling

- 3.2.1. Paragraph 115 of the NPPF stipulates the need for an applicant to submit a transport plan and places a responsibility on planning authorities to ensure that any 'significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable view'. An applicant's scheme may have greatest impact on queues of traffic some distance from its boundary and as such the network has to be reviewed as a whole.

To this end, the Transport Assessment authored by Brookbanks includes information on the total number of trips generated by the building out of the site and adds this to data on the current use of the road. The total

number of trips through the site is used to evaluate the capacity of junctions, average wait times at roundabout and, in this case, provide evidence of modelling how a proposed A299 slip road will also change behaviour.

This modelling is only possible by making assumptions on the destination of external trips made by adult residents from the site, but this data is weak. The modelling relies on the 2011 census and results given by residents in the Middle Layer Super Output Area (MSOA) about their principal destination of travel. It doesn't use 2021 census data as the survey was compromised by COVID.

Their model's only rationale for making assumptions on the destination of external trips by school children is that they go to local comprehensives - despite evidence that many of our children travel into Canterbury for Simon Langton Boys' and Girls' Grammar Schools, Barton Court Grammar School, and Canterbury Academy Sixth Form. These journeys are a significant component of peak-hour traffic.

We believe the application is currently in breach of paragraph 115 because the Transport Assessment:

- does not consider the new homes granted at Benacre View and the impact of the Park and Ride Scheme on flow. The Transport Assessment does not list which schemes it has committed into its modelling (Benacre View was agreed on the 21st March 2025, a mere three weeks before the paper was finalised). The table below contrasts the ratio of flow (RFC) to capacity presented for the Millstrood Road/Thanet Way Roundabout as part of the modelling presented DTA in support of application CA/23/00379 (Bernacre View) up to 2035 and in Scenario 1 by Brookbanks which should include all agreed schemes in 2040.

Whilst the two figures are not directly comparable, the Department for Transport's Road Traffic Projections (2022) predict a growth of traffic on A roads of 20% between 2025 and 2060, meaning that we can reasonably expect the Brookbanks data (modelled for 2040) to be higher, if it were accurate. We do not believe it currently is.

Table 3.1.1.1 AM Peak RFC Calculation

	Thanet Way (East)	Millstrood Road	Thanet Way (West)	Millstrood Road
--	----------------------	--------------------	----------------------	--------------------

		(North)		(South)
DTA	0.86	0.91	0.98	0.99
Brookbanks	0.64	0.61	0.55	0.69

Table 3.1.1.2 PM Peak RFC Calculation

	Thanet Way (East)	Millstrood Road (North)	Thanet Way (West)	Millstrood Road (South)
DTA	0.68	0.86	0.89	0.54
Brookbanks	0.65	0.92	0.67	0.34

- fails to include the trips generated by the SEND school on site, despite evidence that students at this facility may be more likely to travel to the site at morning and afternoon peak. Furthermore, the fact that most SEND arrivals / departures are by KCC-funded minibus, the parking for this school (for 10+ waiting minibuses and some collecting cars) needs to be sufficient.
- gives no consideration for whether the amount of social housing on site will affect the multiplier used to calculate the number of primary school children on site. Census data from 2021 shows a relationship between tenure type and family composition. If the number of children living on site is not adequately modelled, assumptions on the number of internal and external trips at peak times will be wrong.
- fails to include the capacity of each junction used in its modelling of the Level of Service. Footnote 1 on page 16 of the Jacobs Traffic Modelling Paper acknowledges that this local junction modelling has not been explicitly added to the technical note.
- Fails to present a key to the Appendix 16 & Appendix 8.1 of the Transport, Accessibility and Movement Paper making it impossible for the authority to identify which streams of traffic at each junction are most affected by wait times. Without this information it is impossible to calculate whether the length of queuing, measured at over 120m within some 5-minute windows at peak, adversely affects the flow of other junctions.

In fact, the whole assessment relies on Traffic count data with different patterns to these Traffic Counts presented in support of Bernacre View. The table below shows two-way flow rates along the Thanet Way collected by DTA (July 2022) in support of Benacrew View and by Brookbanks (June 2024) in support of Brooklands Farm. The Brookbanks data shows a higher flow rate PM unlike that presented by DTA.

Table 3.1.1.3 Average Weekly Traffic Data comparison

	Thanet Way AM	Thanet Way PM
DTA	1634	1607
Brookbanks	1613	1753

- 3.2.2. The applicant's Transport Assessment fails to adequately consider the impact of additional traffic leaving the site via Radfall Hill towards Canterbury and via Tyler Hill. It lists how many more cars will turning right out of the site in 2045 onto Radfall Hill (697 in AM Peak, 809 in PM peak) but not how many will utilise the A299 slip eastbound and how many will be funneled through an already congested woodland road with no pedestrian infrastructure and increasing cyclist use.

In the last 5 years indicates that there have been 15 accidents on the roads leading up to University Hill (Radfall Road, Hackington Road and Canterbury Road) including one serious. Tyler Hill has persistent on-street parking which makes pedestrian crossing difficult and a bottleneck effect which makes vehicles erratic. The transport assessment fails to meet the requirements of NPPF Paragraph 111 and Local Plan Policy T2 without consideration of the impact on all routes leaving the site.

- 3.2.3. The applicant's Transport Assessment does not list the roundabout by Chestfield & Swalecliffe Station (Thanet Way/ Herne Bay Road/ St Johns Road) as one of the 13 junctions it presents flow data and mitigation proposals for. Figures 7.5-7.8 do not model flow from Chestfield Road onto the Herne Bay Road despite this being a common way in which residents from Chestfield travel into Whitstable avoiding the traffic on Borstal Hill. This roundabout has a substantially smaller capacity than the one at Thanet Way/Chestfield Road but delays on this roundabout do affect its flow. In the last 5 years there have been 2 serious accidents on the smaller roundabout, making it equal to the most dangerous junctions modelled elsewhere on the Thanet Way. Traffic flows at an AM Peak are expected to increase 5.3% with the building of the development. The

transport assessment fails to meet the requirements of NPPF Paragraph 111 and Local Plan Policy T2 without consideration of the impact on all routes leaving the site.

3.2.4. In the last 5 years there have been 12 accidents on the roundabouts at Thanet Way/Chestfield Road and Thanet Way/Herne Bay Road/St Johns Road which

3.2.5. The Jacobs transport assessment very usefully includes a number of scenarios which show the impact of the development with and without the A299 slips at various different stages of occupation. It shows the necessity for an A299 slipway and how this will reduce eastbound flow on the Thanet Way but increase flow westbound as people travel via Clapham Hill to Canterbury.

It is our opinion that planning permission should only be granted with conditions relating to the building of the A299 slip. At present the evidence suggests that if 50% of the homes are occupied without the A299 slip being built the capacity of the road between Estuary View and Clapham Hill will be reached. We believe that the assessment needs to consider a further scenario of 25% and 15% occupancy so that the phasing of any infrastructure can be adequately conditioned.

Paragraph 116 of the NPPF stipulates authorities should be able to judge whether the plan will have an unacceptable impact on highway safety or severe impact on the road network. We don't believe this is possible until the LPA can be confident that its own phasing won't compromise the traffic network during the build and an assessment of the impact on Radfall Road has been made.

3.3. Road safety

3.3.1. The Personal Injury Collision Map (Figure 2.2) included in the Transport Assessment clearly shows the most dangerous junction in terms of accidents being the Clapham Hill Roundabout with 14 slight or serious injuries between 2018-2023. Despite these improvements are only recommended to junctions on the site boundary, despite evidence that an

additional 300 cars will flow westbound toward this roundabout in the PM peak.

During the consideration of the Benacre View applications councillors expressed concern about the safety of this junction, particularly given the granting of residential properties on the south of the Thanet Way and the increase in schoolchildren using the cycle path to walk to Whitstable School. A school child was recently hit by a passing car crossing westbound where the road is three lanes wide. Proposals for traffic lights at the junction were put forward by Chartway but rejected by Kent County Council in 2023. KCC have privately admitted concerns about this junction but not presented proposals to improve the safety of this junction despite being asked to regularly since 2022.

Whilst we acknowledge that the A299 slip is likely to reduce traffic on the Thanet Way Eastbound and offset the largest delays (>98.56 seconds) identified when DTA modelled the queues at the Borstal Hill/Clapham Hill junction - Brooklands Farm is likely to put additional pressure on the Clapham Hill/Wraik Hill junction. The DTA calculated that by 2031 delays on the southern section of Clapham Hill (toward Blean) would be upwards of 111.15 seconds at Peak PM. There is no queue time data for how the development will affect this roundabout and subsequently the flow of traffic at the Borstal Hill/Clapham hill junction.

The space between the two roundabouts at Clapham Hill serves an important role in the provision of public transport south of Whitstable. It is drop off location for National Express routes and public bus stops on both carriageways narrow both in a way which jeopardizes pedestrian safety.

Not defining how this junction will operate at the outline planning stage is unwise.

We would be interested how the modelling of a westbound on-slip, rather than an eastbound on-slip would improve traffic pressures for this area.

- 3.3.2. Paragraph 117 suggests that new applicants should seek to minimize the scope for conflicts between pedestrians, cyclists and vehicles and they the proposed quiet lane is a shared space which lacks detail on how this will be done safely. Whilst Rule 218 of the Highway Code suggests drivers should pay extra care and slow down on designated lanes shared with pedestrians - there is no statutory demand to reduce the speed limit

and as such the 40mph speed limit could still apply and the road still be used as a 'rat run' particularly when roads are blocked elsewhere.

Given that South Street has poor footways, limited visibility and in the proposed plan will have more pedestrian entry and exit points - the applicant should present plans on what additional traffic calming or prevention measures used. There should be evidence of why the road hasn't been redesignated as 'no through access'.

The lack of detail and absence of safety analysis or tracking diagrams (particularly given that the road is likely to remain used by tractors at Brooklands Farm) raises serious concerns that the scheme will exacerbate existing dangers, in contradiction to NPPF Paragraph 110(d), which requires that new development must ensure safe and suitable access for all road users.

3.4. Public Rights of Way

- 3.4.1. The development site intersects several designated Public Rights of Way (PRoWs), including CW21, CW22, CW27, CW28 and bridleway CW27A, all listed on the Kent County Council Definitive Map and visible on OS Explorer Map 150. These rural paths link Chestfield to Radfall Road, Molehill Road, and Clowes Wood, and form part of circular walking and riding routes used regularly by residents and visitors.

Whilst there is evidence of mitigation to protect many of these on site, there is no evidence of how CW28 will be affected by the proposed on-slip to the A299. The PROW is not listed on junction maps for South Street/Chestfield Road.

Without detail, the applications contravene NPPF Paragraph 100, Local Plan Policy OS11, and Rights of Way Circular 1/09, all of which protect the public's legal right to rural access and recreation.

4. Infrastructure Objections

- 4.1. Phasing of infrastructure is key to ensuring public confidence in any new development and we would welcome the committee establishing clear triggers for any of the following in the way suggested in the Draft Local Plan.

4.2. Foul Drainage

- 4.2.1. There are no foul water sewers within the boundaries of the site and whilst the applicant is correct in stating that there is a statutory duty on water companies to provide the capital investment needed to provide development growth, Grampian Regional Council V Secretary of State for Scotland(1983) says that a planning authority has the power, which the sewerage undertake lacks, to prevent a developer from overloading the sewage system before upgrades are made.
- 4.2.2. The Drainage Strategy indicates that the site may have a peak domestic flow rate of 62.50 l/s which is equal to 30% of Swalecliffe Wastewater Treatment's capacity of 205 l/s and whilst we understand that a project has started to upgrade the flow rate at the treatment facility we believe the planning authority would be in breach of NPPF Paragraph 20 which demands that a plan set out a pattern, scale and design of place with sufficient provision for wastewater unless they were to grant the application with conditions that this capacity was realised before habitation.

We believe that such a condition would be lawful 'fair and reasonable' given evidence that the sewage network is operating well over capacity, and nothing less than a system wide update is necessary (Newbury DC V Secretary of State for the Environment 1978/1981).

4.3. On-site parking

- 4.3.1. Policy T9 of the Adopted Local Plan provides clear parking standards for buildings with clear land classifications such as residential dwellings and shops. However it lacks an exhaustive link of the parking required for

non-residential institutions and as such, unless detail is provided at an outline stage, there remains a risk that adequate parking will not be provided for the Mobility Hub and Playing Pitches in particular.

Whilst we understand that the applicant is expecting the open space will largely be used by its residents, we believe it is reasonable to assume that these new 'honeypot' open space facilities will also attract *significant* other local car visits and it will need more specific parking designation.

Chestfield Road is already risky with inadequate car parking at the Radfall Recreation Ground forcing cars to park on both sides of the road on the weekend, especially on match mornings. With the expansion of the football provision and the transporting to/fro of children's BMX bikes for use on the track, the parking for these destination sites needs to match realistic projected use. Perhaps a combined parking area to service both the schools and the sports facilities could be an alternative (even in lieu of a small 5:5 pitch or more); allowing the road onto which the schools both face to become a Kent County Council 'School Street' with *limited* car access (minibus or blue badge only for the SEND school) during peak hours.

5. Outstanding issues

Whilst we understand that this application is an outline application, it remains the right of the planning authority to refuse consideration of certain aspects of a development under reserved matters and ensure that they are conditions of the outline application. This is particularly important in situations where a site may be sold by a land agent and reserve matters applications submitted by another developer.

As such there are a number of outstanding issues which we believe the planning committee may want to take particular consideration to - these are not necessarily planning objections, but they could, if considered important, be added as conditions.

5.1. Public Transport

- 5.1.1. The applicant's Transport, Accessibility & Movement assessment makes it clear that their first preference to redirect the No 5 bus to serve the site was refused by Stagecoach. This solution would have improved the frequency of the service but also supported people getting the bus to Canterbury.

The proposed alternative, a loop bus service connecting the proposed development with Whitstable railway station, Tesco Extra, and other key local amenities could provide valuable connectivity but remains a conceptual proposal without firm commitments regarding frequency (although every 30 minutes is mentioned, this is just a proposal), funding, long-term viability, or coordination with rail timetables.

We believe that the route should be extended to include Estuary View Medical Centre, the council's proposed Park and Ride on the Thanet Way and Clapham Hill, thereby improving the onward travel to Canterbury - particularly for school children. The capacity of existing school buses into Canterbury should be listed.

For such a scheme to deliver meaningful modal shift and accessibility benefits, it must be secured through enforceable planning obligations or conditions, with clear timetables and performance monitoring. Without this, the proposed loop bus risks becoming an unimplemented aspiration rather than a deliverable component of a sustainable transport strategy.

5.2. Sports Facilities

- 5.2.1. Whilst we generally welcome the provision of new sports pitches to serve the site and the wider Whitstable population, it is important to better establish the scope and mix of pitches if this is to serve the community well. The design does reflect many aspirations within the Council's Playing Pitch Strategy (i.e more cricket pitches, a multi use court for netball) but anecdotal evidence suggests a huge increase in the demand for children's football which isn't currently evident.

In order to serve this anecdotal demand, we should reflect on whether targeted investment in floodlights and 3G pitches would prevent overplaying of these surfaces and allow for additional training facilities for young people during the week. At present, Rising Stars, a Whitstable based club with over 400 youth players train in Herne Bay, Faversham and Canterbury because of the lack of good quality 3G pitches locally and challenges overplaying 11 v 11 grass pitches particularly in waterlogged sites like this one.

- 5.2.2. Whilst there is some evidence of orientating the facilities attached to the playing fields to also serve the council's Radfall Road recreation ground, the same provision is not made for the adjacent Chestfield Cricket Club

and management agreements for the ownership and stewardship of the site (perhaps including the adjoining council asset) should be considered at outline phase. The model in which a developer transfers the assets or leases the facilities to local clubs should not only be pursued but listed as a condition (alongside a specification of the provision) to ensure the level of ambition in this new Sports Hub is not lost if ownership of the site changes.

- 5.2.3. On the 16th June 2025 the Council agreed its new Open Spaces Strategy. Breach of the Strategy by developers is a material planning concern as the NPPF stipulates that Local Plans should reflect needs and priorities within a local community based on robust and current assessment. The strategy is the best reflection of local need. It stipulates that applications including sports facilities should be “supported by evidence of a management scheme which details the future ownership, management and maintenance of the site” (Objective 1h) which this application currently does not.

5.3. Biodiversity Features

- 5.3.1. Opportunity for Green Roof Bus Shelters to Support Biodiversity Net Gain. The Travel Plan (Section 2.6.16) outlines an intention to provide new or improved bus shelters within the proposed development. To enhance the site’s sustainability credentials and contribute toward biodiversity net gain, it is strongly recommended that all new bus shelters incorporate green roofs. These living roofs can help reduce urban heat, absorb rainwater, support pollinators, and provide visual greening within built areas. They represent a low-cost, high-value intervention consistent with the goals of NPPF Paragraph 174(b) and Canterbury Local Plan Policy LB2, which promote integration of ecological enhancements into urban design. Incorporating this measure would also set a precedent for best practice in aligning sustainable transport infrastructure with environmental stewardship.
- 5.3.2. Positive Biodiversity Contribution Through Hedgerow Gain. The Biodiversity Survey and Report indicates a projected 20% net gain in hedgerows as part of the proposed development. This is a positive element that aligns well with the principles of biodiversity net gain as

required under the Environment Act 2021 and supported by NPPF Paragraph 179(b). Hedgerows are a high-value habitat, especially in rural and edge-of-settlement contexts like Chestfield, offering vital ecological connectivity, supporting pollinators, nesting birds, and bats, and acting as important landscape features. If delivered as part of a detailed and enforceable landscape and biodiversity management plan, this element of the scheme could make a meaningful contribution to the site's overall ecological value.

5.4. Stewardship of Open Space

- 5.4.1. The council's Draft Local Plan shows a preference for negotiating stewardship arrangements with developers on a case-by-case basis and an interest in the council taking an endowment from the developer to adopt a site early and secure revenue against its general upkeep. In order to do this the council needs to have a clear understanding of the assets available. At present the site plans lack detail, particularly in relation to 72 local areas of play (LAP's) which dot the site.

There is no clear understanding of who the open space would be owned by and whether residents, the council or parish council (in whose boundary half of the site lies) would be expected to contribute to its upkeep. The stewardship of this site should be established at the outline planing stage.

5.5. Construction Management

- 5.5.1. The applicants Construction Environmental Management Plan(CEMP) lists risks associated with the practical building out of the site and how these will be managed and reported on. It lists a number of risks building on the floodplain but nothing specific to the risk that depositing soil into the Swalecliffe Brook could affect the capacity of the river to deal with fluvial flooding events.

Our understanding is that an Environment Permit will be needed as construction will take place within 8 metres of a riverbank and on a floodplain. The planning authority should ensure the applicants CEMP complies with any conditions on this permit.

5.6. Health Facilities

- 5.6.1. Healthcare facilities across Whitstable are generally good and commuted sums from developments have seen the expansion of Estuary View locally. The outline application has 'healthcare' facilities but fails to explain what sort of service this will provide and whether any discussions have been had about it serving as an extension of Chestfield Medical Centre.

It is currently unclear whether the facility will be manned by local GP's or a commercial healthcare offer (i.e. a pharmacy, or dentist).

6. Summary

- 6.1. At this point we welcome the opportunity to comment on the proposed allocation but believe this initial iteration still has a number of outstanding issues and questions which need to be resolved before planning can be granted. We believe that an application submitted before the Local Plan is finalised is unwise and risks seeing the area developed without many of the safeguards for development enshrined in the Draft Local Plan.

We understand the need to deliver more affordable housing across the district but currently believe that the application breaches several parts of the NPPF and should be dismissed as such.

