

SRS/18-01307

17th August 2018

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LONDON
BIRMINGHAM
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Dear Sir/Madam

Re: Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – Screening Opinion Request – Land at Pump and Bloors Farms, Lower Rainham.

I am instructed by my clients, A C Goatham and Son, to submit a Screening Opinion request for the above site, in accordance with above Regulation 5, to determine whether the proposed development constitutes an Environmental Impact Assessment (EIA) development.

The Screening Opinion request letter is necessarily brief, not least because I am of the view that the proposal does constitute EIA development. A simultaneous submission for a Scoping Opinion is being made to the Council which sets out in detail the conditions pertaining to the site. The two submissions should be read in conjunction with each other.

THE REQUIREMENT FOR AN EIA

The 2017 EIA Regulations set out the parameters which define whether a development is Schedule 1 or Schedule 2 and therefore whether it may require an EIA.

Schedule 1 identifies twenty different categories of development, none of which relate to the proposed development at Lower Rainham.

Schedule 2 identifies thirteen different categories of development. The proposal is for a development of some 50ha of agricultural land for around 1,250 dwellings at Lower Rainham. Consequently, it is considered that the proposal falls within Class 10 Infrastructure Projects, specifically sub-section (b) urban development projects for which the screening threshold criteria are either: –

- i. 1 hectare of urban development which is not dwelling house development; or
- ii. Development includes more than 150 dwellings; or
- iii. The overall area of the development exceeds 5 hectares.

The Planning Policy Guidance Note (PPGN) on EIA provides further guidance on the threshold criteria. In this instance it advises EIA may be necessary if the site area of the new development is greater than 20ha and where such significant effects may result from increases in traffic, noise or emissions.

The proposal exceeds criteria ii and iii above and the 20ha referred to in the PPGN. It is not, however, within a ‘sensitive area’ as described by the Regulations.

Consequently, it is necessary to establish whether or not the proposal is likely to give rise to ‘significant effects’ on the environment by virtue of its size, nature or location.

Schedule 3 of the Regulations sets out selection criteria which must also be taken into account in determining whether significant effects are likely.

Characteristics of the Development

The proposal is still emerging at this stage, however, in broad terms, it is likely to comprise:

- Upto 1,250 dwellings, including affordable and market in accordance with policy requirements.

This will result in the wholesale removal of an existing horticultural (fruit orchard) operation across circa 48ha of high grade agricultural land, consisting of Pump Farm (circa 23ha) and Bloors Farm (circa 25ha) in the ownership of A C Goatham and Son. Collectively, these farms comprise ‘The Site’. Pump Lane separates the two farms. For much of its length, Pump Lane is bordered by high mature hedgerows interspersed with hedgerow trees.

To the north of Bloors Farm is Lower Rainham Road, an adopted highway (B2004) with frontage development, predominantly residential, along parts of its length. However, as Lower Rainham Road passes Pump Lane, it has a much more open aspect with more intermittent frontage development. It is an adopted highway characterised by speed humps and passing places. The eastern boundary of Bloors Farm is formed by Lower Bloors Lane, again a narrow by adopted highway with little in the way of development along it. The southern boundary of both farms is formed by the railway line which itself is bounded by hedgerows and trees. Beyond the railway to the south is the main built up area of Rainham.

There are no public rights of way crossing Pump Farm. A bridleway bisects Bloors Farm from Pump Lane in the west to Lower Bloors Lane in the east. It is contained by high hedges and trees. The northern side of the bridleway is predominantly leylandii.

There are farm buildings associated with Pump Farm within the Site boundary which would be demolished as part of any redevelopment. The temporary caravan area which houses the seasonal fruit pickers would also be removed.

Immediately adjacent to the main farm access to Pump Farm are a group of dwellings comprising a couple of large detached houses in landscaped grounds, and a more recent cluster of dwellings derived from the conversion of barns at Russett Farm. All of these are outwith the Site boundary.

The proposals would need to be considered in terms of cumulative impact with existing development around the Site and those that area also proposed through the Local Plan process and ‘or have planning permission but are yet to be implemented.

The project would require the significant use of natural resources, particularly agricultural land and water. It also has the capacity to produce significant quantities of waste as a result of both the construction and operational phase – although both of these can be mitigated by use of a Construction Environmental Management Plan (CEMP) and through the use of municipal waste collections.

Noise, dust and vibration nuisances to neighbouring properties are highly likely during construction, although again some of these can be mitigated through the use of a CEMP. Given the proximity of the Site to the railway, noise and vibration issues have the potential to have significant impacts on the proposed development itself, whilst the construction could have impacts on adjacent properties and listed buildings.

Location of Development

The Site itself is free of the following constraints:

- National Park;
- Area of Outstanding Natural Beauty (AONB);
- Green Belt;
- Conservation Area;
- Regional/Country Park;
- SSSI or other locally designated wildlife sites (SNCI);
- Scheduled Ancient Monuments
- Ponds and watercourses
- Tidal flood risk
- Reservoir flood risk
- Fluvial food risk (the Site is in flood zone 1)
- Groundwater Protection Zone

However, whilst the Site does not fall within a conservation area, there are two designated areas that border the Site – the first is along the Lower Rainham road immediately north of Bloors Farm, the other is along Lower Twydall Lane on the western boundary of Pump Farm.

There are thirteen listed buildings in close proximity to the Site – including Pump Farm House, Chapel House on Pump Lane; York Farm House, Manor House, Twydall Barn and Manor Barn on Twydall Lane; The Black House on Lower Rainham Road.

The site lies within an area of Locally Valued Landscape in the adopted Medway Local Plan. The Site lies within half a kilometre of the Medway Estuary and Marshes RAMSAR/SPA and SSSI, within the SSSI Risk Zone. The land north of Lower Rainham Road to the Marshes is a designated Country Park. The Marshes are within flood zone 3.

The underlying geology across the majority of the northern half of the Site is Thanet Sand Formation overlying Seaford Chalk.

The Site does not lie in a Groundwater Source Protection Zone, but does overlie a Principal Aquifer (chalk) and a Secondary A Aquifer (Thanet Sand).

Historical mapping indicates a chalk pit quarry adjacent to the Site which is now a landfill site operated by Kent Land Reclamation Ltd accepting inert waste.

Given the underlying geology, there is the possibility of deneholes (natural cavities) occurring across the Site.

The proposed development has the potential to result in significant changes to the character of the area, and local landscape, resulting in the urbanisation of a current agricultural setting, as well as off-site impacts to designated environmental assets, particularly without identified mitigation.

Types and Characteristics of the Potential Impact

It is considered unlikely that potential impacts, either in isolation or cumulatively would extend across local authority boundaries in this instance.

The impacts arising from the proposed development will be a mix of short term, localised impacts to a range of long-term, permanent impacts. Short term impacts are likely to be noise, dust, vibration, impacts on connectivity and access to services. Long term impacts are likely to be increased flood risk, loss of agricultural land and onsite habitats (although the latter can be mitigated within the development design), impacts on heritage and landscape assets, off site biodiversity within the SSSI/RAMSAR/SPA and human health due to pollution and noise and increased traffic. There may also be increased use of the nearby Country Park and other local services as a result of the increase in population associated with the development.

Whilst many of these impacts could be mitigated, such impacts also need to be assessed as part of the EIA.

CONCLUSION

The need for an EIA is judged against 'significant environmental effects' occurring as a result of the development. Whilst some of these remain unclear at the present time until further survey work is undertaken, it is recognised that there are various landscape, geological, archaeological/heritage matters and traffic implications that need to be taken into consideration. The Accompanying Scoping Report identifies the topic areas and potential impacts in more detail as well as those topic areas that it is considered could be scoped out of the EIA.

In any event, the scale of the proposal does exceed the threshold criteria where significance may occur, both in isolation and cumulatively. It is therefore considered that the proposal will result in a number of significant effects and does constitute EIA development.

Notwithstanding this, the view of the Local Planning Authority is requested, in light of the information provided. Should you require any further clarification or information, please do not hesitate to contact me.

I look forward to receiving the Council's Screening Opinion in due course.

Yours faithfully,

Sarah R Smith
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Decision Notice

MC/18/2459



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TOWN & COUNTRY PLANNING ACT 1990

Town & Country Planning (Environmental Impact Assessment) Regulations 2017.

Location: Land At Pump Lane & Bloors Farm, Lower Rainham, , ,

Proposal: Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for construction of 1,250 dwellings

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS DETERMINED THAT AN ENVIRONMENTAL IMPACT ASSESSMENT IS NECESSARY for the development as described above in accordance with your request for a Screening Opinion received complete on the 17 August 2018.

For the following reasons:

- 1 Due to the size, characteristics of the development, location of the site and the cumulative effects on the environment along side other developments, an Environmental Impact Assessment is required to identify any significant effects on the landscape, ecology, archaeology/heritage assests, highway and character of the area. An Environmental Impact Assessment will therefore be required to accompany your planning application for the proposed development at land at Pump Farm and Bloors Farm, Lower Rainham Road, Gillingham, Kent.

2 In addition to the information required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as identified in the Scoping Report received 17 August 2017 the ENVIRONMENTAL IMPACT ASSESSMENT shall also include additional requirements (above those specified in the submitted scoping report):

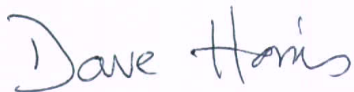
- Archaeology and Cultural Heritage;
- Access and Recreation;
- Lighting impact
- Impact on relevant junctions of M2
- Cumulative and in-combination effects.

Your attention is drawn to the following informative(s) :-

1 This planning decision relates to the Rapleys LLP EIA Scoping Report, dated 15 August 2018 and received 17 August 2018.

2 In addition to the above, the applicants should also submit documentation that deals with:

- Appropriate Assessment for bird mitigation and impact on SAMMS and SANGS.
- Ecology and Nature Conservation
- To include:
- Current preliminary ecological appraisal
- Results of any specific species surveys recommended during the preliminary ecological appraisal.
- Ecological Mitigation Strategy
- Site wide management and monitoring plan.
- Drainage and Flood Risk
- Lighting Impact Assessment



David Harris
Head of Planning
Date of Notice 21 September 2018

**TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS)
(ENGLAND) (AMENDMENT) (REGULATIONS 2013)**

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
 - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
 - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.