



Appeal Decision

Inquiry held on 19-22 & 27-28 May and 15 June 2026

Site visits made on 18, 20 & 26 May 2026

by **Nick Fagan BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 July 2026

Appeal Ref: 6002071

Land off Lower Rochester Road, Wainscott, Rochester, Kent ME3 8EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Richborough against Medway Council.
 - The application Ref is MC/25/0006.
 - The development proposed is: Outline application for demolition of existing buildings, the erection up to 800 dwellings (Use Class C3), primary school, mixed use local centre (Use Class E and F2), retirement living (Use Class C2), associated works and public open space. Approval is sought for the principal means of vehicular access from Lower Rochester Road and Higham Road, with all other matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I conducted an unaccompanied visit of the site and surroundings including the principal routes between the site and Strood town centre by bicycle and on foot on the afternoon of 18 May, the day before the Inquiry commenced, in order to familiarise myself with lay of the land and the area in general, including the location of key facilities likely to be needed by would-be residents of the proposed development.
3. I also conducted two accompanied site visits. The first, with the main parties' landscape witnesses, between 14:30 and 17:15 on 20 May, Day 2 of the Inquiry, to view the site from key viewpoints from both within and outside the site, including those set out in the Landscape and Visual Impact Assessment (LVIA).
4. The second, with the parties' highways and transport witnesses, between 15:00 and 17:00 on 26 May, when we examined and discussed the proposed highway/traffic infrastructure improvements to Higham Road and Lower Rochester Road including their bridges over the A289, and to Hollywood Lane. It had previously been agreed, following these witnesses' evidence on Days 3 & 4 of the Inquiry, that relevant highways documentation in terms of legislation, guidelines and requirements, would be presented to me at the time and that we would clarify at the visit the proposed improvements on site in light of such documents, in particular regarding those proposed on the Lower Rochester Road bridge in relation to the proposed new traffic light signals to be installed there. That is exactly what occurred at this visit.

5. A draft S106 agreement was discussed at the Inquiry, with a final date for submission of the signed and dated deed agreed as 30 June. In the event, the signed and dated S106 was dated and submitted on 26 June (the S106). I refer to this as appropriate below.

Main Issues

6. The main issues in dispute are as follows:
 - Whether the proposed development and its associated improvements would be in a location which is or would be made sustainable (i.e. reasonably accessible to relevant local services by sustainable transport modes).
 - Whether it would result in unacceptable landscape and visual impacts including on the Dillywood Lane Area of Local Landscape Importance (ALLI), the designated Rochester Road/Dillywood Lane/Common Lane important rural lanes, and on users of local Public Rights of Way (PROWs).
 - The tilted planning balance in National Planning Policy Framework (NPPF) paragraph 11 d) ii), involving an assessment of the development's benefits against any harms, including the loss of Best and Most Versatile (BMV) agricultural land and agreed conflict with the Development Plan (DP) and any conflict and the weight to be given to the Emerging Plan (EP).

Reasons

Accessibility/Sustainability of the Location

7. The appellant accepts that the site is not currently sustainable in that it is not reasonably accessible to local services via sustainable transport modes. But, as part of the development, it would provide improvements that would make it so. The LPA does not consider that they would, as per its putative Refusal Reason (RR) 2.
8. The NPPF Glossary defines sustainable transport modes as follows: *'Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicle, car sharing and public transport.'*
9. The appeal site comprises approximately 50Ha of agricultural land on the northern edge of the north Kent urban conurbation comprising Strood, Rochester, Chatham, Gillingham and Rainham. It is located to the north of the A289 trunk road, which is in a deep cutting here, north of the Strood suburb of Wainscott and within the Parish of Frindsbury Extra, the Rule 6 Party in this appeal.
10. Its western boundary is the B2000, Lower Rochester Road, a busy local road providing access to Cliffe Woods and Cliffe and other villages on the Hoo peninsula to the north. Its eastern boundary is Higham Road, which becomes Bunters Hill Road further north, a smaller road giving access to the villages of Higham and Lower Higham to the west and northwest respectively. Both these roads cross the sunken A289 by bridges, the B2000 having westerly slip roads from and onto the trunk road.
11. The LPA's putative RR 5 was that insufficient information had been submitted (at the time of its December 2025 Committee report) to allow a full assessment of the

development in terms of highway safety or capacity issues. This reason was partly concerned with the traffic signal and associated works required on the A289-B2000 junction, principally as required by National Highways in relation to the strategic road network, albeit the appellant had already accepted the need to provide such traffic signals here as part of the development. The required additional information has since been submitted and RR5 has fallen away in that the development is not now opposed on highway safety or capacity grounds.

12. However, the detailed design of the proposed traffic signals here remain disputed.¹ The LPA's highways witness maintains that there is a need for a wider central splitter traffic island at the junction giving access onto the westerly on-slip of the A289, in order to incorporate sufficient room for the required signals. The significance of this dispute, from the LPA's point of view, is that the need for such a wider traffic island at this junction would necessitate a narrower shared foot/cycle way on the eastern side of the bridge, which would compromise the alleged improvements to walking and cycling modes via this route.
13. As shown on submitted plans T22591 008RevA and 009RevA, the disputed traffic island is the 1.2m wide island next to the southbound right turn lane on the B2000 approaching the junction of the westerly bound slip road onto the A289. CD11.14 sets out the appellant highway witness's explanation as to why either a 1.2m traffic island or indeed no traffic island at all in this location would be acceptable, and would meet the legislative and guidance documents referred to, which are agreed by the two main parties to be the relevant such documents; it also sets out the LPA highway witness's explanation why a traffic island here would need to be at least 1.8m wide, which would in turn prevent the creation of a widened 3m shared foot/cycle way on the eastern side of the bridge, restricting it to its current width of 2m.
14. It is not for me to rule on whether the legislative and guidance documents in CD11.4 would currently be complied with, since that is a role outside my expertise and is a decision that can only be exercised by the Local Highway Authority (LHA), which is not for me to constrain. However, it seems to me that there is some force in Mr Blamey's submissions for the LPA. In particular, that there should be a primary signal head on an island at a right turn lane visible at the stop line, which is the case here where a double signal head is required, which necessitates a traffic island of at least 1.8m wide. Mr Parker's suggestion that this primary signal could be by the use of a high post or mast arm is disputed by Mr Blamey since these would not be visible at the stop line, who argues this only applies to additional or extra signal heads. I also acknowledge his point that high post or mast signals could also adversely impact on the space available for widening the foot/cycle way corridor, in terms of their footprint or foundation requirements.
15. For these reasons it appears to me at least possible, if not likely, that the LHA will require a 1.8m wide central splitter traffic island at this point, which would prevent the widening of the shared foot/cycle way from 2m to 3m on the eastern side of the bridge. I consider the implications of this possibility below, in terms of the improvements to walkability and cyclability of the site to local services. The appellant says that the 3m shared foot/cycle way would be achieved because it proposes a Grampian condition (proposed condition 43) preventing development commencing until the highway works to secure the signals have been approved by

¹ CD11.14

the Council. I disagree. Such a condition would effectively hold the LHA to ransom to approve the signal scheme without a 3m shared foot/cycle way since it would otherwise prevent the development scheme being implemented at all, which would no doubt be hard to justify. In the current circumstances, given my above conclusion, such a Grampian condition should not be imposed here, because there are no real prospects of it being fulfilled.

Relevant General Principles

16. NPPF paragraph 110 states: *'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'*. It also states: *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-taking'*. In that context, given the appeal site's location on the northern edge of the north Kent conurbation and the 800 homes it seeks to deliver, I have no doubt that the sustainable transport solutions that should be provided here are those appropriate to a large urban extension rather than a site in the middle of the countryside.
17. NPPF paragraph 109 states: *'Transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places'*, including through *'e) identifying and pursuing opportunities to promote walking, cycling and public transport use'*.
18. Paragraph 115 states: *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location'*.
19. Paragraph 117 states: *'Within this context, applications for development should; a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas'*.
20. The LPA has criticised the proposal's lack of vision in failing to initially build-in accessibility by sustainable transport modes. The appellant countered this in evidence by pointing out that the scheme was conceived prior to the policy priority given to sustainable transport modes in the December 2024 version of the NPPF, and that it had done its best since then including at appeal to ensure that such modes have been prioritised.
21. The only question that is relevant now is whether the proposed development on the appeal site would be sufficiently accessible by sustainable transport modes given the improvements that are proposed as part and parcel of the scheme, through relevant planning conditions and obligations in the S106. In assessing this question, I agree with the appellant that there is no necessity for it to be sufficiently accessible by each and every one of the sustainable transport modes listed in the NPPF Glossary. Rather, it is for me to form a balanced judgement on this question in the round, considering the circumstances of the case.
22. The appellant proposes the following improvements to make the development accessible by sustainable transport modes:
 - A £1.5m or £3m financial contribution to create new bus route 133A.

- A circa £819k financial contribution to the Local Cycling and Walking Improvement Plan (LCWIP).
 - Works to the B2000 bridge to widen the shared foot/cycle path.
 - Off-site improvements to Lower Rochester Road, Higham Road and Hollywood Lane secured through a Grampian condition and financed through a s278 agreement.
23. The scheme proposes not just 800 homes but a local centre, a new primary school, electric vehicle (EV) charging facilities for each dwelling, mobility hubs for EV bikes and scooters, as well as the new 133A bus service which could provide a service every 20 minutes (if necessary) to Strood town centre with bus stops (onsite) within a 300m (3-4 minute) walk of every resident. The local centre is very likely to feature a grocery store and health services. Indeed, the interest shown by Tesco Express to run a grocery store and the local GP Practice to open a branch there, although provisional, is unchallenged by the LPA. I have no reason to doubt that both such services would be likely to be delivered.
24. In terms of the new primary school to be located on the site, there remains the argument from the Council that a one form entry (1FE) school would be unviable and unlikely to receive approval from the Department for Education, whilst a 2FE school would, even if it could be justified, also attract children as pupils who would not live on the site – for instance, from elsewhere in Wainscott – and who would therefore have to travel to and from the site, possibly by unsustainable means of transport like the private car. Of course, given parental choice of schools for their offspring, there would inevitably be some children from the site who would not attend the onsite primary school and need to travel to their chosen school elsewhere in the local area, and so the question of sustainable travel routes and modes of transportation for them is also a relevant issue.
25. The other main local circumstance to consider is of course the range of local facilities in Wainscott itself and the wider facilities in Strood town centre, and the routes and possible or likely means of access to both by sustainable transport modes.
26. The agreed revised² Statement of Common Ground (SoCG) on Transport Matters sets out the local facilities in Wainscott. The three sets of tables and maps in this SoCG set out the distances, and walking and cycling times, to each of these local facilities, to Strood and Rochester town centres and to the railway stations at Strood and Lower Higham from three separate Points within the appeal site³. Distance to facilities is only one element that influences travel behaviour; gradient, width and design of the route, proximity to heavy traffic (lorries and in terms of volume), and segregation from other modes are important too.
27. There is a wide range of facilities at the eastern end of Hollywood Lane in what could be termed Wainscott's local centre, located around the Co-op food store next to the mini roundabout. But many of these are what are correctly described as 'leisure uses' including pubs and hot food takeaway. Such uses are unlikely to be

² Incorporating the numbered facilities on the plans into the tables of facilities in the document – CD11.11.

³ A central, eastern and northern point (Points 1, 2 & 3 respectively) to take account of the large extent of proposed housing and its geographical spread in relation to such facilities.

needed or used by most residents of the development daily or regularly. The Co-op and the Premier convenience store (which also contains the Post Office), as local food stores, and Wainscott Primary School (listed in the SoCG as E2) and the Pre-School (E1), are the only facilities here that would be likely to be used by residents on a day-to-day basis.

28. Other schools further to the south and west would also be likely to be used daily by residents: E3-Hilltop Primary Academy and E4-Abbey Court Community Special School (both off Cooling Road), E5-Temple Mill Primary School (off Cliffe Road), and especially E6-Maritime Academy, the nearest secondary school situated off Frindsbury Hill near the Sans Pareil roundabout. The only other facility that would be regularly used by residents in general would be the Highparks Medical Practice (H1) and the pharmacy next to it (H2) located off Miller Way between Hollywood Lane and Frittenden Road, especially, obviously, if that Practice decided in the end not to open another branch in the development's local centre.
29. Residents of the development would of course be likely to use either Strood or Higham railway stations daily to travel to work in London or elsewhere more locally, and they would also be likely to use the supermarkets and other stores in Strood town centre at least on a weekly basis.
30. Although ultra-low and zero emission vehicle and car sharing are listed in the NPPF Glossary as sustainable transport modes, it has not been argued by the appellant that all householders on the development would own and use such vehicles. Clearly, many if not most of them will still own and drive fossil-fuelled vehicles. The public transport relied on here by the appellant would be the existing bus service (route 133) and the new bus service (route 133A) that it would fund (for a limited period) to run into and around the development itself. I address the likelihood of both these services being used by residents, along with walking and cycling, to local facilities below, though I am assuming that these bus services would not be used for transporting children to school and that separate school bus transport may possibly be used either for transporting off-site children to the onsite primary school, or on-site children to alternative off-site primary and secondary schools.
31. It is in the context of the above local circumstances that I now proceed to assess the feasibility and likelihood of the proposed development's residents using walking, cycling or the bus to access local services.

Walking & Cycling

32. Much time was devoted at the Inquiry to discussing what distance people are prepared to walk to facilities. But this is already adequately summarised in paragraph 5.2 vi)-xii) of the SoCG. There is no single nationally prescribed threshold that applies uniformly to all walking trip purposes, but it is commonly accepted that a 10 minute/800m walk is acceptable for most healthy people, as identified in the 2000 IHT Guidelines for Providing Journeys on Foot⁴, as well as in Manual for Streets and Active Travel England's standing advice, notwithstanding that walking offers the greatest potential to replace short car trips, particularly those under 2km. Consequently, 800m is an acceptable walking distance to local facilities, 1000m (1km) to schools. 1200m is a preferred maximum to facilities, 2km to schools.

⁴ CD5.67

33. The 2015 CIHT Planning for Walking guidance quote in xii) may well still be accurate: *'Across Britain about 80 percent of journeys shorter than 1 mile are made wholly on foot – something that has changed little in thirty years'*. But, as the LPA witness correctly pointed out, many if not most of those journeys would be well under 1 mile – and probably well under 1km.
34. All existing local facilities, including schools, are beyond the above acceptable walking distances and all of them except three of the above primary schools are beyond the relevant preferred maximum of 2km, from Point 1 (the central point on the site).
35. Most residents would clearly not walk to the more extensive facilities in Strood, including its railway station, nor to Higham station, since all would take longer than half an hour. The quickest route to Strood town centre and its railway station is via Bill Street and Cooling Road, which joins the mini roundabout at Hollywood Lane. But this route is not ideal because it is steep and does not even have continuous footways on both sides of the road, let alone a segregated cycleway. It is very narrow at some points and is heavily parked at its northern end. These constraints cannot be overcome and would certainly discourage walking and cycling (apart maybe by E-bikes) up and down this steep hill.
36. Other routes, such as via Cliffe Road or even Brompton Farm Road/Gravesend Road could be used to cycle but these, particularly the latter, are much longer and busier and would still involve hills. Residents would be very unlikely to cycle to Higham station along the narrow country road that is an HGV route, and certainly not walk this route. I am not surprised that the photos in Mr Blamey's Proof of the bike storage racks at both Higham and Strood stations in the middle of a working day with good weather show them both completely empty.
37. The LCWIP contribution would be used to fund a 20mph speed limit on Bill Street and Cooling Road but that in itself would do nothing to mitigate the constraints of this road in terms of its narrowness and steepness for walkers or cyclists. It would contribute to widening the segregated foot/cycle track on Hollywood Lane and to refreshing the white lining, but this route rises and falls considerably and traverses a number of road junctions and crossovers of dwellings and is not ideal for cyclists as a result. It would also contribute to the removal of some of the unnecessary bollards and better signing of the National Cycle Route on Higham Road, and at the B2000-Hollywood Lane mini roundabout.
38. But Higham Road would remain heavily parked with multiple crossovers and cyclists will have to cycle in the primary road position in front of and facing vehicular traffic on a narrow road, which will discourage its use by residents of the development, notwithstanding the LCWIP contribution also funding acoustic barriers on the bridge over the A289. The fact that it is part of National Cycle Route 1 does not gainsay that, in part because NCRs tend to be used more by recreational leisure cyclists for longer trips rather than householders just popping down the road for a pint of milk and loaf of bread. Improved wayfinding signage would not be likely to significantly encourage residents of the development to walk or cycle, since they would find out such potential routes as soon as they moved into the development.
39. I accept that some residents – particularly those living near Point 2 on the site – would undoubtedly walk down Higham Road to the Co-op, the Nursery School or

possibly walk their children to school at Winscott Primary School, although I suspect that these would be few in number given the facilities proposed onsite.

40. I have explained above why it appears to me at least possible, if not likely, that the LHA will require a 1.8m wide central splitter traffic island at the B2000 junction with the westerly on-slip to the A289, which would prevent the widening of the shared foot/cycle from 2m to 3m on the eastern side of the bridge.
41. Notwithstanding this – so, even if that 1.8m wide island was not in the event required – the Council’s concerns relating to the failure of the redesign of the B2000 bridge to comply with the relevant minimum standards in LTN1/20⁵ are valid. The relevant parts of LTN1/20 require an absolute minimum width for the shared foot/cycle way on the eastern side of the bridge to be 3.5m wide, not 3.0m wide as proposed, and ideally a width of 4m.⁶ That is because there is a need for a noise barrier to shield cyclists/walkers from A289 traffic below necessitating 0.5m of additional width; there is in any case a need for greater distance separation between the narrow proposed 3m carriageway (much used by HGVs here) and the foot/cycle way.
42. Even if a 3m wide shared foot/cycle way could be provided – which is unlikely for the above reasons – this would not meet the minimum design width. Whilst some pedestrians and some cyclists might still use it, its sub-standard provision next to such a busy road with much HGV traffic would limit take up of such sustainable transport modes and discourage its use. In essence the bridge is not wide enough to be redesigned to cater for the minimum required carriageway widths, the new traffic signals and at least a 3.5, wide shared foot/cycle way. Realistically a new bridge for cyclists and pedestrians is required solely for them, but there is no plan to provide this and I am unsure if it would actually be possible to do so.
43. There is a need for residents of the development to be able to access local facilities by walking and cycling because the proposal is for an urban extension of 800 homes, even assuming a GP surgery, local grocery store and primary school are to be provided. But for all the above reasons, including the paucity of day-to-day grocery and other shops and facilities in Wainscott’s neighbourhood centre, most residents would not, in my opinion, be likely to walk or cycle to even such local facilities, nor certainly to the wider facilities in Strood town centre, or the railway stations in Strood or Higham.
44. That is principally because the A289 would still be likely to be perceived as a significant barrier. The acoustic barrier alone on the Higham Road bridge would not significantly change the perceptions of residents, given that they would have to cycle in the middle of that road. The sub-standard alterations to the Lower Rochester Road bridge would not be sufficient to persuade many residents to walk or cycle over this busy road bridge with its high volume of traffic including HGVs, which would be very close to a path hard up against an acoustic barrier on its other side that does not even segregate pedestrians from cyclists due to the lack of space to do so.

⁵ CD5.45 – Local Transport Note 1/20: Cycle Infrastructure Design, Department for Transport, July 2020

⁶ Ibid Table 5-3 p43, Table 6-1 p54, para 6.5.7-6.5.9 & Table 6-3 p68, para 10.8.12 p128, as per Mr Blamey’s Proof paras 5.2.9-5.2.20

Bus

45. Very few residents of the development would be likely to use the existing bus service, route 133. That is because the only bus stops that could realistically be used by residents are located near the Dillywood Lane junction with the B2000. Very few of the new homes would be within 300m of these bus stops, to access which they would have to walk either down Dillywood Lane or north up the B2000, a busy, noisy road.
46. These bus stops have no shelters or real-time information, which would certainly discourage their use in hours of darkness or in the winter. Anyone travelling north would have to cross this busy road, which would also put people off from using this service. The timetable for this service exhibits an inexplicable gap in the morning and the last bus from Strood is in the early evening, further limiting its attractiveness as a travel option for residents. Consequently, I don't consider it would be used by many residents very frequently.
47. The new service, route 133A, would be routed through the site, and would, I accept, be within 300m of all residents. I accept that the funding of £3m to provide a 20-minute bus service is provided in the S106 (for a 5-year subsidy). No doubt some or even many residents would avail themselves of such a service, albeit that it would end at 7pm which would prevent it being used for nighttime leisure trips and people returning later from work, for instance from London.
48. However, it appears that setting up such a new bus service is in its infancy. The only correspondence from Arriva, the bus operator, is from its Kent and Medway Network Manager dated 2 April⁷. There is no commitment from Arriva to operate such a service, nor to a start date. As such, I cannot be sure that it will be available from when the first home on the site is occupied. Given the size of the development and the time that it will take to build, it is possible that this £3m subsidy would run out before all the homes are completed. I note Mr Blamey's claim that, in his professional opinion in dealing with the setting up of such bus services, a development of this size would be unlikely to generate receipts to cover the £300k per year (the cost of the 40-minute, not 20-minute bus service) required to fund it, once the subsidy had run out after 5 years. The appellant has provided me with no evidence that such a service would be viably self-funding after 5 years, which it would need to be if it was to continue indefinitely.
49. As such, whilst I acknowledge the applicant's efforts to establish such a new bus route to separately service the development, I cannot be certain that it will in fact be provided by the completion of the first home on the site, nor that all the homes would be completed within 5 years of such a service commencing, nor that it would viably continue to operate on a self-funding basis after the end of the 5-year subsidy period.

Conclusion on Accessibility of the Site by Sustainable Transport Modes

50. The provision of the new primary school, grocery store and GP surgery branch in the local centre onsite will help to limit the need to travel off site for residents but would in themselves not be sufficient to prevent such a need, especially for work-related trips. The improvements put forward by the appellants would be insufficient – despite contributing to the LCWIP – to maximise sustainable transport modes,

⁷ Appendix H4 of Mr Parker's original Proof of Evidence

such that there would not be the offer of a genuine choice between such modes and the private car; that is unsurprising since the LCWIP plans have been designed to facilitate the allocations in the emerging local plan (the Medway Local Plan 2041, the EP). The works to the Lower Rochester Road bridge over the A289 would likely be insufficient in encouraging the take-up of walking and cycling to access local facilities and the Relief Road would continue to sever the appeal site from Wainscott and Strood. Consequently, I consider it likely that most trips from the site would be conducted using private cars, most of which would likely be fossil-fuel powered vehicles.

51. Even if the new bus service were to commence operation prior to first occupation – which I acknowledge is the obligation in the S106 – that in itself would not in my opinion be sufficient. That is because, given the urban extension location of the site and proposed development, good accessibility by walking and cycling is necessary here, which would not occur for the reasons set out above.
52. For the above reasons, I cannot conclude that the development would be reasonably accessible to local services via sustainable transport modes. As such it would conflict with relevant local and national planning policies. NPPF paragraphs 109, 110, 115 a) and 117 a) would not be complied with in that sustainable transport modes have not been sufficiently prioritised and therefore there would not be a genuine choice of such modes, especially walking and cycling, the most important modes in the circumstances here.
53. For the same reasons, the proposed development would fail to comply with the following policies in the development plan, the Medway Local Plan 2003 (MLP):
 - Policy S2: Strategic Principles (ii) which requires the development strategy in Policy S1 to focus on *‘a sustainable approach to the location and mix of new development...’*
 - Policy T3: Provision for Pedestrians, which requires the Council to *‘develop a network of safe and convenient footpaths, to link houses, schools, town centres, work places...’*etc.
 - Policy T4: Cycle Facilities, which requires: *‘Major trip attracting development proposals should make provision for cycle facilities related to the site’...etc.*
 - Policy T6: Provision for Public Transport, which requires: *‘Where of sufficient scale, new developments will be expected to make provision for access by public transport (for example, bus, rail or light rail)’...etc*
 - Policy BNE25: Development in the Countryside, which only permits such development if: *‘(i) it maintains, and wherever possible enhances, the character and functioning of the countryside, including the river environment of the Medway and Thames, it offers a realistic chance of access by a range of transport modes’...etc*

Landscape & Visual Impacts

54. The main parties' landscape witnesses – Mr Russell-Vick (PRV) for the LPA and Mrs Lancaster (WL) for the appellant – agree that there would be adverse landscape and visual impacts.⁸ The differences between them are the scale of these impacts or harm, as highlighted in yellow in the Comparison Table. Happily, there is no disagreement on the methodology of assessing these effects, which is GLVIA3 and TGN 02/21⁹ compliant.
55. It is agreed that there is no particular designation to the site or the landscape it sits in and that it is '*normal or ordinary countryside*'. It is not a 'valued landscape' in the sense of NPPF paragraph 187 a). I agree with the appellant that the site is relatively contained by the rolling topography of the local landscape – essentially a bowl contained by ridges – such that the development would not be perceived from views beyond those Viewpoints (VPs) set out in the LVIA. Its value is agreed as *medium*.
56. I agree with the appellant that the site is currently visually perceived, from the higher ground to the north and west, in the context of the built up area of Wainscott on the ridge to the south and with the groups of residential dwellings near its boundaries, for instance those on the northeast corner of Dillywood Lane and the B2000 and further south on Lower Rochester Road, Stone House Farm and the Stone Horse Pub, as well as those dwellings on Higham Road including Blacklands Farm and the nearby Royal School of Engineering complex. I also acknowledge the detracting features of Local Character Area (LCA) FC3 (Cliffe Woods), within which it sits: the busy A289 and B2000 roads and visually intrusive polytunnels.
57. Nonetheless, the overall character of the site and local landscape is of rolling fields of open agricultural land with orchards in its southeastern portion and its susceptibility is consequently *high*, hence its overall sensitivity must be *medium/high*. I don't accept that the site or the LCA here have a harsh urban edge because the A289 is in a deep cutting protected by a generous belt of trees. The built-up area of Wainscott, in terms of the roofs of buildings on the ridge to the south, are only significantly perceived from the higher VPs to the north and west.
58. Whilst the development would not affect the whole of LCA-FC3 it would affect 50Ha of it, a considerable part of its southern extent. It would be very noticeable in that it would extend the largely screened (from ground level) built up development at Wainscott south of the A289 cutting with its landscaped screening belt into the open countryside to the north. It is simply irreconcilable to describe an 800-home development of 50Ha, which will endure permanently, as having a less than *major* magnitude of change, which when combined with the area's sensitivity result in a *major/moderate* effect – a suburban housing estate would be a complete and conspicuous change to open fields and orchards.¹⁰
59. WL considers that the landscaping proposed onsite would reduce the effects at Year 15 to moderate adverse for the site and moderate/minor adverse for the local landscape character. I disagree. Whilst landscaping including tree belts are

⁸ As set out in CD8.11 – Final agreed Landscape SoCG of 18 May, CD11.4 – Comparison of Effects Table & CD11.5 – Mr Russell-Vick's corrected Appendix A of his Proof. And as also set out in the Landscape and Visual Impact Assessment (LVIA), Chapter 7 of the ES – CD1.12 & Appendices 7.1-7.14 (CDs 1.22-1.39).

⁹ Guidelines for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute, 2013 & Technical Guidance Note (TGN) 02/21: Assessing landscape value outside national designations.

¹⁰ As per CD1.28 – ES Appendix 7.3, Methodology, Table 3: Magnitude of Effect on Landscape Receptors

necessary to make the development acceptable, they would not be effective in mitigating the total change to the character of the site and this southern section of LCA-FC3. This is in part because it is proposed to site a large section of the houses in the northeast corner of the site with insufficient widths for landscaped screening (because the new dwellings would still dominate the landscape here as raised by the Design Review Panel), and because the development's landscaping is simply designed around the constraints of the necessary infrastructure easements on the site, which are likely to determine the final layout of the new homes, as indicated on the illustrative masterplan.

60. In terms of visual effects, WL considers that there would be no more than a *moderate* adverse effect on any of the visual receptors at Year 15, principally walkers on the various Public Rights of Way (PROWs) and on Bunters Hill Road and the B2000, who would have views of the developed site. PRV considers that 6 of these receptor groups would experience *major/moderate* effects at Year 15.
61. Walkers and cyclists along Higham Road and Bunters Hill Road (VPs 1, 2 & 4) would do so because although the proposed landscaping here would provide some screening it is not designed to nor would it hide the new housing development, especially from the highpoint at VP1, the view from the northwest corner of the site, which is and would continue to be extensive. The extent of the new housing would be fully apparent from PROW 118 (VPs 3, 5, 6 & 18), especially from the higher level of VP3 above Islingham Farm. The new development, especially the higher storey local centre and housing surrounding it on the ridge of ground within the site would be very apparent for walkers, cyclists and drivers at VP9 on the B2000. Longer distance views would be apparent from PROW NS134 (VPs 13 & 17). I was able to confirm these views of the site myself from my site visits to all these locations.
62. Although the landscape is of no special value and the scheme attempts to provide some landscaped mitigation, the above receptors – particularly walkers – would experience such *major/moderate* effects because they would no longer experience this part of the countryside as open rolling agricultural land. Urban development would have crossed the A289 cutting and extended itself into the open countryside, which would have a significant effect on these receptors.
63. These landscape character and visual harms would fail to comply with MLP Policy BNE25 (i) because it would fail to maintain the character and amenity of this part of Medway's countryside, and (ii) because this is not an allocated site in the Plan, nor in the EP.
64. However, that policy was adopted in 2003 when national policy in the then PPG7 protected the countryside for its own sake, as explanatory background paragraph 3.4.71 of the Plan makes clear. That is no longer the case, as recognised by caselaw¹¹. NPPF paragraph 187 b) requires development to recognise the intrinsic character and beauty of the countryside. I accept that 'recognition' has less force than blanket protection, and that consequently less than full weight should be given to this policy conflict. However, I still attach *medium weight* to this conflict because I fail to see how developing 50Ha of open countryside for suburban housing can possibly recognise its intrinsic character and beauty, even despite it not being a valued landscape.

¹¹ *Telford & Wrekin v SSCLG & Gladman* [2016] EWHC 3073 – CD7.10

The ALLI

65. MLP Policy BNE34 states: *'Within the Areas of Local Landscape Importance defined on the Proposals Map, development will only be permitted if: (i) it does not materially harm the landscape character and function of the area; or (ii) the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape. Development within an [ALLI] should be sited, designed and landscaped to minimise harm to the area's landscape character and function.'*

66. I address paragraph (ii) of BNE34 in the Planning Balance below.

67. Explanatory paragraph 3.4.105 of the Plan makes clear that ALLIs are significant not only for their landscape importance but also for the following functions:

'(i) As green lungs and buffers, helping to maintain the individual identity of urban neighbourhoods and rural communities;

(ii) As green corridors (or links) for the community to reach the wider countryside;

(iii) As edge or "fringe" land, needing protection from the pressures of urban sprawl; and

(iv) As habitats for wildlife and corridors, along which wildlife from the wider countryside can reach the urban environment.'

68. The Dillywood Lane ALLI is described as follows:

'Location and character

A gently undulating, visually diverse area of orchards and mixed farmland. Extends from the NW edge of Strood and Wainscott to the borough boundary.

Function

-Creates an attractive, rural setting to the Medway Towns Northern Relief Road, contributing to the positive image of the borough.

-Connects to the South East of Higham Upshire ALLI in Gravesham.

-Constitutes an established rural landscape in close proximity to a large urban area.

-Helps to maintain separate identity of Higham.'

69. It is clearly an ALLI that performs all the functions set out in MLP paragraph 3.4.105. It undoubtedly creates an attractive rural setting to the A289 Northern Relief Road, which forms the current northern boundary to Strood and the north Kent conurbation; it does not have to be visible from cars on the A289 cutting to do this or to perform all four of functions (i)-(iv) above. The A289 cutting here is a clear, logical spatial and visual boundary between the built-up development of the conurbation's northern edge here at Wainscott and the open countryside beyond. The ALLI helps to maintain Higham's separate identity, although I acknowledge that development of the appeal site would still maintain a clear physical and visual separation between the conurbation and Higham. But there would undoubtedly be conflict with BNE34 (i) as a result of harm to this ALLI.

70. I acknowledge that there are several large ALLIs surrounding the conurbation, as listed in the Plan and that ALLIs will not be pursued in the EP, possibly because such landscape designations have fallen out of favour as the NPPF has moved to a more hierarchical approach. I also recognise the conclusions of the 2017 Gibraltar Farm appeal decision¹², which decided that Policy BNE34 was a restrictive policy contrary to the NPPF's presumption in favour of sustainable development and that ALLI land would be needed to meet the Council's housing needs. That remains the case now because the EP seeks to allocate 3,281 homes on ALLI land.
71. The Gibraltar Farm decision decided that limited weight should therefore be applied to Policy BNE34. However, I perceive no drawback to the reasoning or justification of this policy despite the appeal site not being a valued landscape. It still performs a relevant planning function. So, whilst I reduce its weight because it is restrictive and because of the need for some ALLI sites to be allocated to meet the current housing needs of the Council as set out in the EP, I attribute *medium weight* to it, in part because the policy contains a /mini-planning balance within it, in subsection (ii), which I address in the Planning Balance below.

The Designated Rural Lanes

72. The supporting text (paragraph 3.4.51 of MLP) for Policy BNE47 highlights those rural lanes in Medway with the '*highest physical landscape, amenity, nature conservation and historic value*'. The policy sets out that '*development served by and/or affecting these lanes will only be permitted where there is no adverse effect on the value of the lane in terms of its landscape, amenity, nature conservation, historic or archaeological importance*'.
73. Dillywood Lane to the west of the B2000 Lower Rochester Road, a length of Lower Rochester Road south of its junction with Dillywood Lane up to the edge of the appeal site, and also Common Road between Bunters Hill Road and Lee Green Road, to the north of the appeal site, are identified on the 2003 Proposals Map as 'Rural Lanes' for the purposes of Policy BNE47.
74. There would be some views of the development from these sections of roads but they would not be very prominent; they would certainly be fleeting and limited views and I don't see how such views would undermine the value of these rural lanes. I am unclear why, for instance, the section of Dillywood Lane west of the B2000 has been designated when that to the east, along the northern boundary of the site, has not been. The criteria for designation of such apparently important Rural Lanes is not available. Only the lower 80m of Common Lane would have any significant view of the development and a new hedge has been planted on the bank that will in time help screen this view anyway. I accept that the section of the B2000 is already compromised by road noise and infrastructure (such as curbs and the footway) and the section of Dillywood Lane between the B2000 and the Stone Horse pub is also affected by traffic noise.
75. As such, in my opinion, the proposed development would have no significant adverse effect upon the value of these rural lanes. Even if it nonetheless has some harmful effect on their value, the restrictive nature of the policy's wording appears to conflict with NPPF paragraph 187 a), which only seeks to protect valued landscapes, which this is not. If therefore, as the LPA seems to argue, there would be conflict with this policy, I attribute *limited weight* to any such conflict.

¹² CD7.2

Conclusion on Landscape & Visual Impacts

76. The proposed development would have significant harmful impacts on local landscape character and visual receptors, particularly walkers on the PROWs identified above, and walkers, cyclists and drivers on Higham Road/Bunters Hill Lane and on Lower Rochester Road. There would be harm to the Dillywood Lane ALLI, though no significant harm to the designated rural lanes. As such there would be clear conflict with MLP Policies BNE25 and BNE34, though I accept that the development's economic and social benefits could outweigh the local priority to conserve the area's landscape, and I address this below.
77. EP Policy S2: Conservation and Enhancement of the Natural Environment states: *'Development will only be permitted where it demonstrates that it will protect and enhance the natural environment and biodiversity including the natural beauty of the landscape, all natural resources, habitats and species.'* Policy S4: Landscape Protection and Enhancement requires that development should seek to conserve and enhance Medway's landscape character and distinctiveness and demonstrate how they respect and respond to such character. For the above reasons, the proposed scheme would not do so and would fail to comply with these Policies. I consider the weight to be given to these and other policies in the EP below.
78. NPPF paragraph 135 c) requires that developments *'are sympathetic to local character and history, including the surrounding built environment and landscape setting'*. For the above reasons the development would not be sympathetic to the local landscape setting.

The Tilted Planning Balance

79. It is agreed that the proposal should be considered under the tilted balance in NPPF paragraph 11 d) ii): permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*
80. That is because the Council cannot demonstrate a five-year supply of deliverable housing sites (5YHLS)¹³ and does not pass the Housing Delivery Test. This means, as per NPPF Footnote 8, that the most important DP policies for determining the application are out-of-date. That means the MLP policies referred to in putative RR1: the Plan's development strategy in Policy S1 and strategic principles thereto in S2, BNE25, which restricts unallocated housing development in the countryside, and H11, which restricts housing to minor developments within the confines of a number of named villages/settlements.
81. As the wording of 11 d) ii) makes clear, particular regard should be had to those key policies defined in Footnote 9. This includes the policies set out in NPPF paragraphs 110, 115 and 135, referred to above.
82. I have concluded that the development would not be reasonably accessible to local services via sustainable transport modes and would conflict with MLP Policies S2, T3, T4, T6 and BNE25 and NPPF paragraphs 109, 110, 115 a) and 117 a). I have

¹³ The LPA admits it only currently has a 2.69 year HLS, although the appellant suggests it is only 2.07 years.

also concluded that it would have significant harmful impacts on local landscape character and visual receptors, including on the Dillywood Lane ALLI, contrary to MLP Policies BNE25 and BNE34, and to EP Policy S2. The appellant accepts that the development would be contrary to MLP Policies S1, S2, BNE25 and H11 and therefore with the DP as a whole.

83. I now turn to the weight that I give to the above harms, bearing in mind the out-of-date nature of the above MLP policies that deliver its decades-long out-of-date spatial strategy. In respect of weighting, both in terms of harms and benefits, I adopt the same scale as the main parties.¹⁴ First however, two other relevant issues (potential harms) also need to be considered.
84. I accept that great weight must be attributed to any harm to a designated heritage asset in principle, in accordance with established caselaw. There would be some less than substantial harm (at the low to moderate end of the spectrum) to the setting of the Grade II listed Sole Street Farmhouse next to the southwestern corner of the site, but the main significance of this building is its built form. In my opinion the other Grade II listed buildings referred to, Stone House Farm and Brickhouse Farm would be sufficiently far away from the development not to have their settings adversely affected by it. Blacklands Farmhouse in the southeastern corner of the site, identified as a non-designated heritage asset, would be demolished, but that is not resisted by the Council.
85. In any case the Council agrees that the tests in NPPF paragraphs 215 and 216 are satisfied: that the public benefits of providing much needed new housing outweighs any harms to the above designated and non-designated heritage assets. Under these circumstances, I can't reasonably see how I can attribute any more than *limited weight* to this low to moderate less than substantial heritage harm.
86. The development would result in the loss of 48.2Ha of Grade 1, 2 and 3a agricultural land (98% of the site area), including 2.3Ha of Grade 1 and 30.8Ha of Grade 2 land – BMV. There has, as per the evidence of both planning witnesses, been recent losses of BMV through planning permissions. The Council points out that the development of the appeal site would result in: a) by far the largest amount of BMV lost, b) the highest quality BMV land lost (save for Otterham Key Lane, a much smaller site), c) virtually the same loss of BMV land as all the previous permissions combined, and d) the loss of half the previous loss of Grade 1 land and 3.5 times the previous Grade 2 land in those sites analysed.
87. However, Medway contains a higher than average proportion of BMV (56% compared to 42% nationally) and the Council accept that it is inevitable to use at least some of it in order to meet its housing needs, hence the allocations in the EP proposing to use 948Ha of BMV land, including 11 emerging allocations on Grade 1 and Grade 2 land, with an indicative capacity of 4,540 homes¹⁵.
88. Anyway, the wording of Policy BNE48 allows the loss of BMV '*exceptionally*' where four criteria are met: (i) where there is an overriding need for the development; (ii) there is a lack of suitable development opportunities on previously developed sites or sites within existing developed areas; (iii) lower grade land is unavailable; and (iv) the lowest grade land is used. That is the existing situation here, given Medway's housing needs. In any case, even if there is conflict with this Policy, because it

¹⁴ *Substantial, significant, moderate, limited, none*

¹⁵ Mr O'Brien's Proof, para 9.47

restricts greenfield housing delivery and because the loss of BMV is necessary to satisfy local housing needs as set out in the EP, I attribute *limited weight* to any such conflict and to the loss of BMV land here.

89. The MLP's spatial strategy (Policies S1 and S2) is decades out-of-date because the current local housing need is more than double what it was in 2003: 1,636 dwellings per year now as opposed to 800 in 2003. I therefore attach only *limited weight* to it; *limited* rather than *no* weight purely because the 2003 spatial strategy promoted the coherent development of the area as per the priority given to the plan-led system in s70(2) of the Town and Country Act 1990, s38(6) of the Planning and Compulsory Purchase Act 2004 and relevant caselaw¹⁶.
90. However, Policy BNE25 (i) is designed to maintain the character, amenity and functioning of the countryside and in this respect is compliant with NPPF paragraph 135 to which particular regard should be had when assessing the tilted planning balance in 11 d) ii), as well as 187 b). For that reason, conflict with this policy still attracts *medium weight*.
91. I now address the weight I should give to the EP, particularly to its Spatial Development Strategy (the SDS, pages 25-27) and to Policy S2. The appeal site was promoted by the appellant to be included as an allocated site in the EP, but it never has been at any stage of the Plan's progress to date.
92. No argument is advanced by the Council that the development proposals are premature in the sense of NPPF paragraphs 50 or 51. The weight I can give to these relevant EP policies must therefore be determined based on the criteria in paragraph 49, which states:

'Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

93. In terms of 49 a), the recent correspondence between the Examining Inspectors and the LPA¹⁷ sets out the position. I acknowledge that there remain unresolved issues, including the Examiners having flagged up the issue of the Green Belt allocation at Strood West as being a key issue in terms of the Plan's soundness. I also acknowledge that, although the EP seeks to deliver the totality of the established housing need in Medway, there would only be a buffer of 125 dwellings, which is a very small buffer. Nonetheless, the Examiners intend to issue their Matters, Issues and Questions (MIQs) in the week commencing 3 August and conduct Phase 1 (of 2) of the examination hearings in the weeks commencing 14 and 21 September – which is relatively soon. I accept that the EP is unlikely to be

¹⁶ CD7.15

¹⁷ CDs 6.8, 6.11, 6.12 & 6.13

- adopted until at least next year, but much work has gone into its over the last few years and it will shortly reach an advanced stage of preparation.
94. In terms of 49 b), there will be consultation on 35 additional EP documents, which obviously could result in additional objections to the Plan, in addition to 210 objections to date, including whether there will be a 5YHLS at the start of the Plan period.
95. In terms of 49 c), some of the above objections are made in terms of its consistency with the NPPF, including the fact that it only looks ahead for 14, rather than the 15 years required by national policy, and the LPA's assessment that it is likely to fail the HDT on adoption of the Plan.
96. However, it is not uncommon for Plans currently approaching examination, which have often been long in the making (like this one), to exhibit numerous objections and a degree of inconsistency with the NPPF. The Council should be encouraged to progress its EP, which appears to have been the subject of much work to date, especially since the MLP was adopted in 2003 and is now significantly out-of-date.
97. As per *Daventry*¹⁸: *'A plan-led system of planning control promotes the coherent development of a planning authority's area, allowing for development to be directed to the most appropriate places within that area, and enables land-owners, developers and the general public to have notice of the policies to be applied by the planning authority to achieve those objectives. It is not in the public interest that planning control should be the product of an unstructured free-for-all based on piecemeal consideration of individual applications for planning permission.'*
98. This is an important principle, albeit I clearly cannot give more than *moderate weight* to the EP's SDS and Policy S2 given my above assessment of the Plan in relation to NPPF paragraph 49 a)-c). It is not for me to determine the soundness or otherwise of the Plan's SDS and other policies but it is clear that much thought and work has gone into deciding the housing allocations in it, an approach that is encouraged in legislation and in national policy. The Council should be afforded due credit for this.
99. The appellant argues that the SDS does not confine growth to the proposed allocations in the EP (which are set out on pages 249-301) because – as per my underlining in the text below – it claims that large scale growth merely 'includes' such areas but is not confined to them. It also argues that the expansion of identified suburban areas is supported, and that this must include Wainscott as well as Strood, because both are part of the same main built-up area of the conurbation, as set out in grey on the EP's Key Diagram (on page 23).
100. The relevant part of the EP's SDS reads as follows:
- 'The spatial strategy provides for a range of development needs, Growth in different parts of the urban, suburban and rural areas will reflect their distinctive character and identity, the potential for a mix of development, and the need for upgrades in infrastructure and services.*
- Outside of the urban regeneration areas, the Council will support the expansion of identified suburban neighbourhoods and villages, where the principles of sustainable development can be met, and where unacceptable impacts on*

¹⁸ CD7.15 *ibid*, para 6

infrastructure and the environment can be avoided. Large scale growth in these areas, including Hoo St Werburgh and Chattenden, Capstone Valley, West of Strood and Lower Rainham, will require strategic masterplans to manage and phase the delivery of housing, employment, transport and wider infrastructure, and environmental measures. On such greenfield sites, the Council will require a high standard of design quality and environmental sustainability to contribute to net zero carbon aims, reducing the need to travel and achieving a modal shift from car-based travel. Development will respond positively to the environmental context and realise opportunities to boost biodiversity and resilience.'

101. The EP is crystal clear. The grey areas on the Key Diagram are the existing built-up areas. These are not the suburban neighbourhoods identified for expansion in the SDS, which are all listed in detail in the Site Allocations chapter beginning on page 249; these include the Strood West housing allocation at pages 266-268. They do not include any expansion of Wainscott. The suggestion by the appellant that the SDS policy wording is ambiguous and therefore contrary to NPPF paragraph 16 (d) is therefore plainly incorrect, and indeed fairly ludicrous.
102. In terms of the harms identified above, I can only realistically attach *limited weight* to conflict with the MLP's outdated spatial strategy and therefore to Policies S1 S2, and H11. But I attach *moderate weight* to the conflict with BNE25 and to the EP's SDS. I attach *substantial weight* to the landscape and visual harm to the character of the local area because NPPF paragraph 135 c) requires that developments '*are sympathetic to local character and history, including the surrounding built environment and landscape setting*', which this development would not be, given that NPPF Footnote 9 requires particular regard to this paragraph in the tilted balance. For the same reason, because this Footnote says that NPPF paragraphs 110 and 115 also require particular regard, the harm arising due to the development not being reasonably accessible to local services via sustainable transport modes also attracts *substantial weight*.
103. In terms of benefits, there are very few differences between the LPA and appellant. Clearly, given a current HLS of somewhere between 2.07 and 2.69 years, the delivery of open market and affordable housing carries *substantial weight*; I also agree that the care home provision carries *substantial weight* because there is a clear established need for care home beds and no reason to think that a care home would not be delivered onsite. *Moderate weight* should be given to provision of community space, retail units, biodiversity net gain and jobs created; this includes jobs created long-term on the site, rather than significant weight, since such jobs could of course be created elsewhere on other large allocated sites in the EP rather than here. Only *limited weight* should be given to the provision of 20Ha of green infrastructure and open space, to the pedestrian and cycle improvements and to the new bus service, because these are all required to serve the proposed development.
104. The adverse impacts of the development are substantial, as are the benefits of delivering the above mixed housing. But these substantial planning harms would significantly outweigh the benefits of the new housing development proposed. This is especially so because the importance of providing accessibility to such a major housing site by sustainable transport modes would not be achieved, contrary to current and proposed national as well as local planning policy. Indeed, this reason alone (irrespective of the landscape harms) is significant enough to outweigh the identified planning benefits, such that planning permission should not be granted.

Conclusion

105. For the reasons given above the appeal should be dismissed.

Nick Fagan

INSPECTOR

APPEARANCES

FOR THE APPELLANT: *Sarah Reid KC* (Kings Chambers) called:

-*Wendy Lancaster*, Director of Expert Witness Services at Taylor Grange Ltd, CMLI, FRSA – Landscape & Visual matters*

-*James Parker*, founding Director of Hub Transport Planning Ltd, CILT, CIHT – Transport & Highways

-*Mike O'Brien*, Director at Pinnacle Planning, MTCP, MRTPI - Planning

FOR THE LOCAL PLANNING AUTHORITY: *Robert Williams KC & Jack Barber* (Cornerstone Barristers) called:

-*Phillip Russell-Vick*, Director at Enplan, DipLA, CMLI*

-*Christopher Blamey*, Director of RGP Consulting Engineers Ltd, CIHT – Transport & Highways

-*Martin Carpenter*, Director of Enplan, MRTPI - Planning

RULE 6 PARTY: Frindsbury Extra Parish Council – *Christopher Sparks*

*The landscape & visual main matter was conducted via a Round Table Discussion, the others main issues by the normal Inquiry process of Evidence-in-Chief and Cross-Examination.

DOCUMENTS submitted during the Inquiry (not listed on the Core Documents list below)

1. Opening Statement of Medway Council
2. Opening Submissions of Appellant
3. Closing Submissions of Medway Council
4. Closing Submissions of Appellant
5. List of final agreed Conditions

NB All the Core Documents (CDs), including those submitted during and immediately after the Inquiry (such as the S106), can be found on the Council's website linked to the Inquiry, at least until the end of the High Court challenge period: [Lower Rochester Road, Wainscott Core Documents MC/25/0006 \(6002071\) - Google Drive](#)