

Planning Application 26/500852/OUT *This summary sets out the **main planning concerns**.*

Overall Objection: The proposal causes **significant and demonstrable harm** across heritage, highways, landscape, minerals, agriculture, biodiversity, drainage and sustainability. It conflicts with the **Swale Local Plan**, the **Kent Minerals & Waste Local Plan**, and multiple sections of the **NPPF**.

<p>1. Heritage Harm: The site sits beside the Upchurch Conservation Area and affects the setting of the Grade I Church of St Mary. The applicant's Heritage Assessment is contradicted by: 1) The Upchurch Conservation Area Appraisal, which highlights the importance of the rural orchard setting. 2) Swale Borough Council (2025), which states the site contributes to the village's historic character. 3) Historic England (2025), which considers the harm to be high. <u>The development would urbanise a historic agricultural landscape, harming key views and tranquillity.</u></p>
<p>2. Conflict with Settlement Strategy: The site is outside the built-up area boundary and is designated open countryside. The proposal conflicts with Local Plan policies ST3, ST1, CP4, DM6 and CP7, which direct growth to sustainable, allocated sites. <u>A 101-home estate would be a disproportionate expansion of a small rural village.</u></p>
<p>3. Minerals Safeguarding Failure: The site lies entirely within the Brickearth Mineral Safeguarding Area. The applicant has provided no geological investigation, no viability assessment, and no prior-extraction feasibility work, despite this being a statutory requirement. <u>This represents unjustified sterilisation of a nationally important mineral resource.</u></p>
<p>4. Loss of Best & Most Versatile (BMV) Agricultural Land: The applicant's own ALC report confirms the land is Grade 2 / 3a – high-quality BMV land. The orchard was replanted only ~2 years ago, indicating high soil quality. <u>The NPPF requires councils to avoid losing BMV land unless no reasonable alternatives exist.</u></p>
<p>5. Highways & Road Safety Concerns: The Transport Assessment contains major technical flaws: A) Zebra crossing placed on a blind bend – visibility below legal standards. B) Visibility splays cannot be delivered within the site boundary. C) Swept-path analysis shows large vehicles overrunning lanes and footways. D) Footways fall below the required 2.0m width. E) School traffic has not been assessed, despite Holywell Primary being 100m away. F) Trip rates are based on unrealistic urban assumptions and underestimate car use by up to 50%. <u>The scheme fails NPPF 110, 111 and 112 and KCC Highway Safety Standards.</u></p>
<p>6. Unsustainable Location: There are no continuous footways, no safe cycle routes, and very limited bus services. <u>Residents would be almost entirely car-dependent, contrary to NPPF 105–106. The site fails NPPF 105–106 and Local Plan CP2 and DM6.</u></p>
<p>7. Landscape & Rural Character: The development would: A) Replace a long-established orchard with suburban housing B) Erode the rural edge of the village. C) Introduce lighting, noise and activity into a tranquil landscape. D) Alter the settlement's silhouette with buildings up to 2.5 storeys. The LVIA underplays these impacts and relies on planting that will take many years to mature. <u>The development would erode the rural setting of Upchurch, this conflicts with NPPF 174(a) and CP7.</u></p>
<p>8. Biodiversity Concerns: The applicant's claimed +14% habitat gain and +128% hedgerow gain are unreliable because: A) The orchard baseline is undervalued. B) Off-site measures are not secured. C) Habitat condition scores are overstated</p>
<p>9. Infrastructure Capacity: Holywell Primary School is oversubscribed. B) GP surgery is at capacity. <u>No clear or deliverable mitigation is provided. This conflicts with NPPF 93–104 and CP6.</u></p>
<p>10. Drainage & Flood Risk: The Flood Risk Assessment does not demonstrate that infiltration drainage is viable. Groundwater was recorded at 2m and the SBC SFRA identifies groundwater levels as shallow as 0.025–0.5m. The FRA also fails to assess how the new access interacts with mapped surface-water flow paths. <u>This conflicts with NPPF 159–169 and the Flood and Water Management Act 2010.</u></p>