

**MC/21/2328**

**Date Received:** 4 August 2021

**Location:** Land South of Bush Road Near Cuxton  
Medway Kent

**Proposal:** Construction of a winery building including café/restaurant and visitor centre with energy centre, car park, access road and landscaping.

**Applicant** Vineyard Farms Ltd.

**Agent** Shrimplin Planning & Development  
Mr Robert Shrimplin Ground Floor, Building 2  
Guildford Business Park  
Guildford  
Surrey  
GU2 8XG

**Ward:** Cuxton And Halling Ward

**Case Officer:** Dylan Campbell

**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9<sup>th</sup> March 2022.**

**Recommendation - Approval subject to:**

- A. Referral to the Secretary of State.
- B. Section 106 agreement to secure the following:

The applicant entering into a Section 106 agreement to secure the following:

- i) A contribution of £4200 towards new PROW signage and waymarking and replacement kissing gate at RS203.
- ii) A contribution of £80000 towards a Traffic Study once development is operational and any subsequent highway improvements to Bush Road that may be raised from the conclusions of the Traffic Study.
- iii) A contribution of £30000 towards improvements to the Tomlins Way Public Right of Way.
- iv) A Skills and Employment Plan to be submitted in accordance with the Outline Skills and Employment Plan (dated July 2021) received 13 August 2021

to secure the use of local labour, educational training courses and apprenticeships.

C. And the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 4 November 2021:

A-011-XX-40-PL 01 - Proposed Site Plan  
A-011-XX-42-PL 01 - Proposed Site Entrance  
A-011-XX-43-PL 01 - Proposed Site Car Park  
A-011-XX-44-PL 01 - Proposed Site Building  
A-053-X-21-PL 01 - Cross Sections Car Park and Access  
A-053-X-22-PL 01 - Cross Sections through Woodland

2148-TFC-XX-00-DR-L-1001 P16 - Landscape proposals  
2148-TFC-XX-00-DR-L-1002 P16 - Landscape proposals 1 of 3, drawing  
2148-TFC-XX-00-DR-L-1003 P15 - Landscape proposals 2 of 3, drawing  
2148-TFC-XX-00-DR-L-1004 P12 - Landscape proposals 3 of 3, drawing  
2148-TFC-XX-00-DR-L-1005 P11 - Landscape proposals ground floor  
2148-TFC-XX-00-DR-L-1006 P02 - Specification notes

Received 13 August 2021:

A-064-X-01-PL 01 - East and West Elevation

Received 4 August 2021:

A-031-098-01-PL 00 - Basement Level 02  
A-031-099-01-PL 00 - Basement Level 01  
A-031-100-01-PL 00 - Ground Floor  
A-053-X-11-PL 00 - Cross Sections  
A-053-X-12-PL 00 - Cross Sections  
A-064-X-02-PL 00 - North and South Elevation  
A-064-X-05-PL 00 - Information Point Elevation

Reason: For the avoidance of doubt and in the interests of proper planning.

3 No development above winery building ground floor slab level and access road/car park base course level (excluding site investigations and site clearance) shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development above winery building ground floor slab level and access road/car park base course level (excluding site investigations and site clearance) shall take place until detailed drawings at scales of at 1:5, 1:10 and 1:20 showing details required of the ridge, eaves, verge, brick bonding and joint types, mortar colours, scheme colourways, entrance recess soffits, balustrades, handrails, parapets & capping's, window and door cills - jambs - heads , ground connections, wall plane changes, junctions at material changes and visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flume placements, energy centre retaining structure and flue have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 5 The development herein approved shall not be brought into use until a plan indicating the positions, design, materials, and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the building is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No development or site clearance shall be carried out until all precautionary mitigation measures for protected species have been carried out in accordance with the details provided in appendix 3 of the Outline Construction Environmental Management Plan (dated June 2021).

Reason: Required prior to commencement of development to ensure that any adverse ecological impacts of development activities are avoided or suitably mitigated in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 7 Prior to occupation of the building an Ecological Design Strategy and a Landscape Ecological Management Plan and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure the long-term management of habitats, species and other biodiversity features in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 8 No development of the winery building above slab level and access road/car park base course level (excluding site investigations and site clearance) shall take place until a Soil Resource Survey is provided that confirms analysis of the condition of existing site topsoil, subsoils and its appropriateness for landscape use; the sourcing, quality and use of imported material; with outline recommendations for the stripping, stockpiling, remediation, amelioration, movement, profile and use of soils, relative to the planting proposals.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003

- 9 The development herein approved shall not be brought into use until full details of a hard and soft Landscape Scheme in accordance with the approved landscape drawings have been submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include:
- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
  - ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape and raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
  - iii. Detailed information should be provided for the design and specification of green roofs, terraces, and podium decks. Including drainage and soil build up, planting plans & plant schedules, the treatment for any tree planting (including tree pit details and tree supports), all paving and hard surfacing, minor artefacts, and structures.
  - iv) A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 The development herein approved shall not be brought into use until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including green roofs for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 11 Prior to the installation of any external lighting on the site or the winery building itself, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall be developed in accordance with Lighting Strategy (Ref: 70080257-WSP-GSC-XX-RP-LI-0001 received 4 August 2020) recommendations and include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate how the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, and biodiversity including bats (including reference to the recommendations of the Bat Conservation Trust) will not be significantly impacted. Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the Conservation Area, the landscaping of the site, the surrounding landscape and heritage features, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE14 and BNE39 of the Medway Local Plan 2003.

- 12 No tree clearance shall take place until the final alignment of the main vehicular access route and main pedestrian and buggy access route through the plantation woodland and the identification of trees to be removed has been submitted to and approved in writing with the Local Planning Authority.

Reason: Required prior to tree clearance to ensure no irreversible harm to retained trees and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 13 Notwithstanding the submitted revised Tree Survey, Arboricultural Implications Assessment and Method Statement Ref 21080/A2\_AIA\_Rev.A (dated November 2021) and revised tree constraints plans, and tree protection plans (received 5 November 2021), no development shall take place until a scheme of tree protection measures has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be implemented in accordance with the approved details prior to the construction of the main vehicular access route and main pedestrian and buggy access route and shall thereafter be retained throughout the construction phase of the development.

Reason: Required prior to the commencement of development to ensure no irreversible harm to retained trees and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 14 The mitigation and monitoring measures shall be implemented in accordance with the revised Tree Survey, Arboricultural Implications Assessment and Method Statement Ref 21080/A2\_AIA\_Rev.A (dated November 2021). Monitoring of the trees within the plantation woodland shall be undertaken and the findings shall inform a revised Mitigation Strategy that shall be submitted to and approved in writing by the Local Planning Authority within 1 calendar year after the construction of the main vehicular access route and main pedestrian and buggy access route. The revised Mitigation Strategy shall take account of windthrow and tree failure and include a timetable for the delivery of any further replacement tree planting and any other mitigation measures. The recommendations of revised Mitigation Strategy shall be implemented in accordance with the approved details.

Reason: Required prior to ensure no irreversible harm to retained trees and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 15 No development shall take place (excluding site investigations and site clearance) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 16 No development shall take place (excluding site investigations and site clearance) until details of foundation designs and any other proposals involving below ground excavation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 17 Within 6 months of the winery coming into use, an Archaeological Post-Excavation Assessment Report shall be submitted to the Local Planning Authority for approval. The Post-Excavation Assessment Report shall include an Updated Project Design and accompanying timetable for any further analysis, for the publication of the findings of the archaeological investigations, and for the deposition of the resulting archaeological archive. The analysis, archaeological publication and the deposition of the archive shall be funded by the developer and carried out in accordance with the programme and timetable set out in the Updated Project Design.

Reason: To ensure the results of the archaeological investigations are made publicly accessible in accordance with the objectives of paragraph 205 of the National Planning Policy Framework 2021.

- 18 No development (excluding site investigations and site clearance) shall take place until a Construction Environmental Management Plan (CEMP) in accordance with the Outline CEMP version: 02 (dated 15 October 2021) received 4 November 2021 that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting, arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside and to ensure that the M2 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and with regard to Policies BNE2, BNE5, BNE14, BNE39, T1, and T2 of the Medway Local Plan 2003.

- 19 The development herein approved shall not be brought into use until the following highway works have been implemented in full:

Access arrangements as outlined in drawing number B/MDLUDESDOWN.1/01 Rev A in the Stage 1 - Road Safety Audit ref: S/LIDLPUROBROOKWAY2.1.1.6 Rev A (dated July 2021).

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 20 The café/restaurant and visitor centre element of the development herein approved shall not be brought into use until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

Pedestrian connection adjacent to Bush Road to Tomlins Public Right of Way.

The approved details shall thereafter be implemented in accordance with the approved details prior to first occupation of the development and shall thereafter be retained.

Reason: to ensure the development preserves conditions of pedestrian safety in accordance with Policies T1 and T3 of the Medway Local Plan 2003.

- 21 The development herein approved shall not be brought into use until the area shown on the submitted layout as vehicle parking spaces, drawing number A-011-XX-43-PL 01 (Proposed Site Car Park) received 4 November 2021, has been provided. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 22 The carpark herein approved shall not be brought into use until details for the provision of 10 electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 23 The development herein approved shall not be brought into use until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to herein use approved being occupied and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.



Reason: All commercial development requires provision of adequate accommodation for cycle storage to accord with Policy T4 of the Medway Local Plan 2003.

- 24 The development herein approved shall not be brought into use until a Parking Management Plan in accordance with the Outline Car Park Management Plan (dated July 2021) received 13 August 2021 has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the on-site parking provision is to be managed. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first use of the building and shall thereafter be retained.

Reason: To ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 25 The development herein approved shall not be brought into use until a Delivery and Servicing Management Plan (DSMP) in accordance with the Outline Deliveries and Servicing Management Plan (dated July 2021) received 13 August 2021 is submitted to and approved in writing by the Local Planning Authority. The DSMP shall describe the means of servicing and times of deliveries and means provision for servicing/delivery vehicles. The DSMP should identify exactly how and what types of vehicles are anticipated for the commercial uses and their delivery times should also be detailed to demonstrate that the proposed system would work. Deliveries and servicing shall be implemented in accordance with the approved details from the first use of the building and shall thereafter be maintained.

Reason: Development without provision of adequate delivery management plan is likely to impact neighbourly amenity and potential impacts to the function of the local road network in accordance with Policies BNE1 and T1 of the Medway Local Plan 2003.

- 26 The development herein approved shall not be brought into use until a Travel Plan in accordance with the Framework Travel Plan (dated July 2021) received 4 August 2021, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain details of measures to reduce car travel. The Travel Plan shall be implemented in accordance with the approved details prior to the first use of the building and shall thereafter be retained.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T14 of the Medway Local Plan 2003.

- 27 Prior to installation and prior to above winery building ground floor slab level and access road/car park base course level (excluding site investigations and site clearance) a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage

scheme, in accordance with the Flood Risk Assessment and Outline Drainage Strategy (dated 23 July 2021) received 4 August 2021, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details should be submitted in conjunction with the site Landscape Plan, and shall include (if applicable):

- i. a timetable and construction method statement for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF.

- 28 The development herein approved shall not be brought into use (or within an agreed implementation schedule) until a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraph 167 of the National Planning Policy Framework 2021.

- 29 No development (excluding site investigations and site clearance) shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations), in accordance with the Flood Risk Assessment and Outline Drainage Strategy (dated 23 July 2021) received 4 August 2021, is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.

- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of National Planning Policy Framework 2021.

- 30 No development shall take place (excluding site assessment and site clearance) until an investigation and risk assessment in accordance with the Preliminary Geo-Environmental Risk Assessment (Desk Study) Ref: 70080257(April 2021) received 4 August 2021 has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development (excluding site assessment and site clearance). The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

human health

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 31 No development shall take place (excluding site assessment and site clearance) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The scheme must be implemented in accordance with the approved details and the Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 32 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 30, and where remediation is necessary a remediation scheme must be prepared and implemented in accordance with the requirements of condition 31, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 33 Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data collected to demonstrate that the works set out in condition 30 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, and approved in writing by the Local Planning Authority in accordance with condition 30.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 34 The development herein approved shall not be brought into use until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and the Air Quality Assessment revision 1 (dated 27 July 2021) received 4 August 2021 and shall include full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure the adequate protection of health and amenity of the surrounding area in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 35 No development above winery building ground floor slab level and access road/car park base course level (excluding site investigations and site clearance) shall take place until a scheme to minimise the transmission of noise from the use of the premises in accordance with the Noise Impact Assessment revision 1 (dated July 2021) received 4 August 2021 has been submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L<sub>A,r</sub>,T<sub>r</sub>) emitted from the development shall not exceed the background noise level (L<sub>A90</sub>,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the adequate protection of amenity of surrounding residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 36 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Design and Access Statement (dated July 2021) and an Energy Statement (dated July 2021) received 4 August 2021. No part of the development shall be brought into use until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 37 Prior to the installation of any external art installations, wayfinding measures and means of interpretation, details of which, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include location, materials, elevations, and a timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 38 The visitor centre element of the development herein approved shall only operate between the hours of 09:00 to 18:00 Mondays to Sundays and Public Holidays.

The restaurant element of the development herein approved shall only operate between the hours of 09:00 to 00:00 Mondays to Sundays and Public Holidays.

Reason: To limit the impact of the lighting on the Conservation Area, the surrounding landscape and heritage features, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE14 and BNE39 of the Medway Local Plan 2003.

## **Proposal**

This application is for the construction of a winery building for the agricultural process of the crushing, processing, and bottling of wine made from grapes grown in the surrounding fields. The proposal would also include a café/restaurant and visitor centre with an energy centre, car park, access road and landscaping.

The application site is to the south-west of Cuxton and south of the village of Upper Bush within Bush Valley. The southern part of the site, where the winery building and energy centre would be located, is an arable field and enclosed by woodland on all sides. The fields within the valley are in the process of being planted with vines and form part of the 1200-acre farm at Luddesdown. The northern part of the site is separated from the location of the proposed winery building by a plantation woodland, through which the new access road and pedestrian footpath would be created from Bush Road.

The application site is in a sensitive location. The woodland that encloses the valley to the east, south and west is a Site of Special Scientific Interest (SSSI) and designated Ancient Woodland; the hamlet of Upper Bush, to the north of the application site, is a Conservation Area and contains two Listed buildings; and the whole area lies within the Metropolitan Green Belt and the Kent Area of Outstanding Natural Beauty (AONB).

The winery building would have a total floorspace of approx. 15,912m<sup>2</sup> (GIA) whereby 85% of the new winery building would be underground, with only the ground floor of the crescent shape being visible from the surrounding area. The elevations would be substantially glazed to the front with flint aggregate on either end of these elevations. The roof structure would be edged by pre-cast concrete and would be planted with natural chalk grasslands and associated plants and fauna to encourage biodiversity. In addition to these surfaces the proposals would also include oak timber panelling to screen specific areas of the winery building.

The energy centre would be sited approx. 32m to the southeast of the winery building. It would be used for biogas production through the availability of biowaste on site (grape skins after processing). The application states that it is estimated that 46% of the annual biogas demand could be produced on site.

The proposal also includes a new visitors car park to the northeast of the winery building and existing plantation woodland. The car park would accommodate 107 parking spaces (5 disabled bays), 10% of the parking spaces would have 10 EV charging points; 8 buggy spaces, 2 bus parking spaces, 25 secure cycle stores, and an information point.

In terms of landscape proposals, the Bush Road site entrance would have hedges on either side and a SuDS basin. There would be landscaping comprising trees and hedgerows along the western and eastern boundaries of the site following the access

road south towards the winery building. Before the plantation woodland the new access road reaches the visitors car park which would be enclosed by the planting of a new woodland along its western flank along with planting within the car park itself. Two more areas of woodland are also proposed to be planted to the southeast and northwest of the winery building. The woodland area to the southeast would enclose the proposed energy centre. Additional hedgerows, and chalk grassland zones are also proposed between the buildings and woodlands. Chalk grassland is also proposed in between the rows of grape vines.

There are several public rights of way running through the surrounding area of the application site. The North Downs Way passes through the field in front of the winery building to the south and east. Another public footpath runs along the edge of the plantation woodland immediately to the north of the winery building. Footpaths are proposed within the site and there are several connections to these public rights of way (PROWs) that run through the site and link to Cuxton, Halling and Upper Bush.

## **Representations**

Prior to the application being presented to the 8 December 2021 Planning Committee meeting, the Applicant submitted a Briefing Note to the Planning Committee. This briefing note was also attached in full to the Supplementary Agenda for 8 December 2021 Planning Committee.

**Cuxton Parish Council** has emailed Members of the Planning Committee attaching two representations of objection from the Parish Council and two representations of objection from the AONB Unit in relation to the proposal

The representation reiterates concerns regarding the proposal's location in the AONB and greenbelt and increase in traffic.

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Environment Agency (EA), Natural England, National Highways (Formerly Highways England), Royal Society for the Protection of Birds (RSPB), KCC Archaeology, KCC Biodiversity, Kent Downs AONB, Kent Wildlife Trust, Cuxton Parish Council, Gravesham Borough Council, Southern Water, Southern Gas and EDF Energy have also been consulted.

For clarification, Highways England changed their name to National Highways in August 2021 during the determination period of this application.

**13** letters of support have been received outlining the following comments:

- More local jobs.
- Money to local community.
- Preferable in the countryside than housing.
- Maintain and improve the environment.
- Promote wildlife and natural resources.
- Possibility of a river bus service.
- Make Medway a substantial hub for tourism, employment, and culture.

**184** letters have been received following the initial consultation period raising the following objections:

- Principle and impact of development in the AONB.
- Principle and impact of development in the Green Belt.
- Impact on Ancient Woodland (also SSSI).
- Impact on plantation woodland.
- Ecology impacts.
- 15m buffer inadequate.
- Out of keeping.
- Not a sustainable location.
- Visitor centre and restaurant not an agricultural use.
- Commercial venture on industrial scale.
- Highway safety impacts.
- Traffic congestion impacts including Bush Road and nearby junctions.
- Highways access safety.
- Traffic impact on air quality.
- Proposed highways mitigation offered.
- No safe cycle or walking routes to site.
- Proximity and impact on Upper Bush Conservation area and Listed Buildings.
- Water waste needs to be considered.
- No benefits to local area.
- Not in the public interest.
- Impact on residential amenity from construction and operation.
- Proposed opening hours and impact on ecology and residents.
- Quality of consultation carried out by applicant.

A petition objecting to the proposal has also been circulated via Change.org. This petition has received **1,148 signatures** at the time of writing and outlines the following concerns:

- Breaching Green Belt and Area of Outstanding Natural Beauty.
- Traffic that will affect Cuxton village.

The **EA** has no objection to the planning application and have provided information regarding their Flood Warning Service, and advised that the applicant may be required to apply for other consents directly from the EA.

**Natural England** has no objection to the planning application. They consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

**National Highways** initially advised that further information was required in relation to trip generation for the restaurant/café based on TRICS derived trip rates. The applicants submitted a Technical Note (dated 7 October 2021), and Highways England were re-consulted.

**KCC Archaeology** has provided an assessment of the archaeological assets on site and advised that the nature of the proposed scheme would result in the total loss of a non-designated heritage asset. KCC Archaeology advised the harm in terms of the



loss would need to be considered as part of the LPA's balanced planning judgement. KCC Archaeology have provided suggested conditions if planning permission is forthcoming.

**KCC Biodiversity** initially requested further clarity in demonstrating that the proposed access road and path not impact the badger setts, or suitable mitigation measures if impact to badger setts cannot be avoided (prior to determination). Further assurances/details were required regarding the 15m buffer-zone between all development at the ancient woodland boundary. The use of Defra Metric would have been helpful to show biodiversity net gains. Supportive of native wildflower grassland but the landscape scheme should be revised to show that sizeable areas would be meadow habitat (also included in LEMP). Concerns regarding external lighting and impacts on ancient woodland and nocturnal wildlife. Plan required showing expected light spill (in lux levels) of all on-site lighting prior to determination. Assurance needed that there would be no artificial light on-site after midnight.

**Kent Downs AONB Unit** object to the planning application. The AONB Unit is concerned with approach taken based on case law as established in *Millington V Secretary of State for Environment, Transport and Regions V Shrewsbury and Atcham Borough Council*: CA 25 June 1999. The scale of that enterprise was not as large as this proposal. The agricultural use is ancillary to the proposal. Sufficient justification for development was not provided. Major development with no exceptional circumstances and where public interest can be demonstrated. The AONB Unit consider that these requirements have not been met. It has not demonstrated that the development could not be provided on less sensitive sites. The significant residual landscape and visual impacts from the development are not capable of being mitigated.

The AONB Unit advise that should the Council accept the principle of the development, further consideration of additional mitigation to help reduce impacts on the special character and qualities of the AONB, including material/colour of the soffit, external lighting, and a requirement for additional hedging/tree planting along the new access on the north-western side of the new access, along with compensatory investments to the wider estate in line with the emerging AONB Management Plan principle SD11.

**Cuxton Parish Council** has objected to the planning application as it is in an AONB, within the Green Belt and adjacent to Upper Bush Conservation Area. The proposal does not meet the criteria for allowing development in an AONB. Disruption to residents, school, and wildlife through vehicle traffic and construction. Safety concerns with the proposed access. Cuxton Parish Council was re-consulted on the package of revised and additional documents and they their objection and their primary reasons are unchanged.

**SGN** has provided an extract from their mains records and a gas safety booklet and advice regarding digging practices to be used.

**UKPN** has provided a copy of their records which shows the electrical lines and/or plant. A fact sheet has also been provided with information regarding the use of their plans and working around their equipment.

The **West Kent Badger Group (WKBG)** object to the planning application. The development would be inappropriate in the greenbelt. Recommends conditions relating to external lighting. They seek assurances to the accuracy of the badger data.

WKBG then go on to refer to the representation received from KCC Biodiversity dated 21 September 2021.

**Southern Water** advise the wastewater discharged from the proposed development currently does not have the capacity to accommodate flows from the proposed development. They request that a condition is attached relating to adequate wastewater treatment to effectively drain the development. They also provide guidance on SuDs and development near sewers.

### Re-consultation

A package of revised documents was submitted by the applicant and a 14-day re-consultation was issued by site notice and individual neighbour notification to the owners and occupiers of neighbouring properties and statutory consultees.

**14** letters have been received following the 14-day consultation period raising the objections as outlined above in addition to the following:

- Quality of proposed mitigation for impact to the plantation woodland.
- Proposed roads are within RPAs of plantation woodland trees.
- Impact of road through the woodland not fully assessed.
- Pre-app discussions should not be given weight.

**National Highways** are content that the proposals would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (M2 Junction 2). However, they note that the CEMP does not provide the level of detail they expect and therefore suggest a pre-commencement condition requiring the submission and approval in writing of a CEMP.

**KCC Biodiversity** has reviewed the updated ecological information and they advise that sufficient ecological information has been provided. Conditions have been suggested.

**Kent Downs AONB Unit** maintain the position set out in the initial consultation response in terms of the landscape and visual impact of the proposal, primarily the long-distance views of the expanse of pale coloured concrete eaves detail that would contrast strongly with the more natural and subdued colours of the surrounding vegetation. The AONB Unit consider it is essential that the building is designed to integrate with the surrounding landscape.

**Cuxton Parish Council** advise their objection and their primary reasons are unchanged and have gone into further detail on the objection.

### **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

Medway Landscape Character Assessment, March 2011 (the MLCA) is also applicable.

## **Screening Opinion**

The application has been screened for EIA development. The proposed development does not fall within Schedule 1 development or Schedule 2 development (specifically Agriculture and Aquaculture development under 1 (a) – (e) and Brewing and Malting 7 (d)) as described in the EIA Regulations 2017.

The size and nature of the proposal for a winery with ancillary café/restaurant and visitor centre with energy centre, car park, access road and landscaping and the location of the application site in the rural area is unlikely to result in an adverse impact on the environment either on its own or in combination with other development in terms of the use of natural resources, production of waste, pollution and nuisances and risk to human health. The proposal is not considered to present a significant risk with regard to major accidents and/or disasters. The proposal is however, sited in an AONB, the metropolitan green belt, and in close proximity to a SSSI and ancient woodland, Conservation Area and two Listed Buildings. Whilst this proposal does not constitute EIA development, the proposal would need to be carefully considered in light of the sensitivity of the locality.

In consideration of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Medway Council does not consider that the development proposed requires an Environmental Impact Assessment.

## **Planning Appraisal**

### *Principle*

The site adjoins the boundaries of the Hamlet of Upper Bush Conservation Area, and the village of Cuxton. The site itself is outside of the urban settlement area. The site sits to the east, south and west of a Site of Special Scientific Interest (SSSI) and designated Ancient Woodland, the whole area lies within the Metropolitan Green Belt and the Kent Area of Outstanding Natural Beauty (AONB).

As a site located within the countryside, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan, which directs development to brownfield sites. Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location. Policy BNE25 of the Local Plan directs that development in the countryside will only be permitted if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, it offers a realistic chance of access by a range of transport modes; and is either; on a site allocated for that use; development essentially demanding a rural location (such as agriculture), or the re-use or adaption of an existing built-up area.

The site is not allocated for any redevelopment within the Local Plan and has not been identified as a site with development potential as part of the Medway Strategic Land Availability Assessment (SLAA). The proposal includes development of agricultural land. 'Agricultural land' is excluded from the definition of 'previously developed land'

in Annex 2 of the NPPF and as such the site is a greenfield site. A key element of the NPPF is to minimise the loss of greenfield sites by making the best use of development opportunities within existing urban areas. The NPPF seeks to pursue sustainable development, (including countryside sites where appropriate), in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11).

In determining whether the principle of this proposal is acceptable it is necessary to consider whether this proposal does comprise sustainable development and to consider the impact of the development on the character of the area and the importance of the site in landscape terms. The NPPF definition at paragraph 8 refers to sustainable development having an economic, a social and an environmental role, which are interdependent and need to be pursued in mutually supportive ways. This means that weight has to be given to the benefits of the proposal; social benefits in creating training opportunities for local people and supporting rural tourism and economic benefits in terms of providing jobs and boosting the local economy during construction and operation phase and providing the increased workforce that enables continued economic growth in the longer term; and environmental benefits to protecting and enhancing our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The proposal would provide social and economic benefits associated with the construction and operation of the winery including the provision of 75 -100 permanent and seasonal jobs once operational and more throughout the supply chain. There would also be training opportunities as set out in the Skills & Employment Plan submitted with the application, which will improve employability, along with supporting rural tourism. These factors weigh in the scheme's favour however, it is also important to consider the environmental impact in terms of assessing the impact on the Greenbelt and AONB; protecting and enhancing our natural environment; helping to improve biodiversity and mitigating and adapting to climate change as outlined in paragraphs 174, 179 and 180 of the NPPF. This would be assessed in more detail in the AONB, Ecology and Sustainability, Climate Change and Energy Efficiency sections of this report below.

In determining whether the principle of this proposal is acceptable, it will be necessary to assess the matter of sustainability within the planning balance giving relevant weight to the benefits the proposal brings to the rural economy and tourism, education and employment, ecology and biodiversity and farm diversification.

#### Agricultural Land and Farm Diversification

The NPPF provides a narrative in terms of building a strong competitive economy, including a specific section on supporting a prosperous rural economy (chapter 6 of the NPPF). Paragraph 84 of the NPPF explains that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 85 of the NPPF goes on to explain that decisions should recognise that sites may have to be found adjacent to or beyond existing settlements to meet local business and community needs in rural areas, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Policy BNE28 of the Local Plan relates to development for farm diversification, which would be permitted if (i) it does not harm rural character or amenity; and (ii) helps to maintain agriculture as the main land use on the farm holding; and (iii) the design and scale of development is appropriate to its rural surroundings; and (iv) is sustainable in terms of traffic generation and accessibility to a choice of modes of transport.

Paragraph 174(b) of the NPPF states that planning decisions should recognise *'the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land...'*

Footnote 58 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. Natural England states that 'High quality agricultural land is valued because of its important contribution to food production, and it also offers much greater potential than poorer land for growing alternative fuel/energy crops'. Natural England observes that land protection policy 'is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues ...' The NPPF defines Grades 1, 2 and 3a land as the best and most versatile agricultural land of the Agricultural Land Classification.

Natural England Open Data Geoportal shows that the Agricultural Land Classification (ALC) of the site is Grade 3 (good to moderate quality agricultural land). However, the site does not fall within an agricultural land classification as shown on Defra's MAGIC Agricultural Land Classification. Therefore, it is unclear if the land can be considered 'High quality agricultural land'. Additionally, Natural England has not objected to the application based on a loss of ALC Grade 3 land. The loss of this small area of arable land, relative to the site under the ownership of the applicant, would be minimal and would maintain agriculture as the main land use on the farm holding and would allow for farm diversification across the wider site. What is clear, is that higher value crops raise the land value and in addition to providing commercial security, also render the same land less likely to be the target for future pressures for development, over less landscape and visually sensitive areas. The Bush Estate covers approximately 30% of AONB land within the borough of Medway, therefore in addition to national protection offered to the AONB status, placing this extent of Medway AONB land into a durable high value agriculture enterprise may arguably offer further levels of environmental and landscape protection.

Overall, it is considered that the proposed development would provide social and economic benefits associated with the provision of the winery and associated rural tourism which have been considered further in the AONB section of this report. It would

allow for the continued diversification of the farm use and the proposal, through the development of a comprehensive Travel Plan would be accessible via modes of transport other than the private car, which is also assessed further in the Highways section of this report. A detailed assessment of the impact on the rural character or amenity and the design and scale of development as required by Policy BNE28 of the Local Plan is also set out below in the relevant sections of this report.

### Green Belt and Wine Making as an Agricultural Use

Chapter 13 of the NPPF relates to protecting the Green Belt. Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence

Paragraph 147 of the NPPF says that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF outlines that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this is buildings for agriculture and forestry. The Planning Statement and additional document titled Response to Kent Downs AONB Consultation Note to Medway (dated October 2021) submitted in support of the application outlines that the proposed winery building would be classified as an agricultural building, due to its primary purpose being for the crushing, processing, and bottling of wine made solely from grapes grown on the estate. The applicant outlines that this is justified based on case law as established in *Millington V Secretary of State for Environment, Transport and Regions V Shrewsbury and Atcham Borough Council*: CA 25 June 1999 which sets out the test which should be applied. In this case the appellant farmer began producing wine from his own grapes and selling it to the public. The local authority served an enforcement notice stating that the sale of wine and visits by the public was a material change of use. The Secretary of State (SoS) determined that the processing and bottling was an industrial process and so the sale of the wine produced by that process was not ancillary to agriculture. The SoS granted planning permission for the making of wine but upheld the notice in respect of sales and visits by members of the public.

The Court of Appeal considered that the SoS had erred in law. Lord Justice Schiemann stated that the proper approach to the question was to consider whether what the farmer was doing could, having regard to ordinary and reasonable practice:

- be regarded as ordinarily incidental to the growing of grapes.
- be included in the general term agriculture.
- be regarded as ancillary to normal farming activities.
- be regarded as reasonably necessary to make the product marketable or disposable to profit; or

- be said to have come to the stage where the operations cannot reasonably be consequential on the agricultural operations of producing the crop.

The case was therefore remitted to the SoS, but the Court considered that the making of wine or cider or apple juice on the scale in the case was perfectly normal for a farmer growing grapes or apples.

It was conceded by the SoS that the grant of permission to make wine, while upholding the enforcement notice preventing it being sold, was irrational.

This approach has also been confirmed by another planning approval for the 240-ha (593 acres) Rathfinny Wine Estate (currently the second largest in the UK) located in southeast of Alfriston in the South Downs National Park, which is given the same weight in the NPPF as an AONB, whereby the winery was considered an agricultural building. Planning permission was secured for a 1,800m<sup>2</sup> contemporary winery building, two further winery buildings totalling over 5,000m<sup>2</sup>, an Estate Office, refurbishment and extension of an agricultural workers dwelling, refurbishment of derelict barns to provide accommodation for workers and a bed & breakfast for guests of the Estate and a new Estate access road. The Estate also includes tours and tastings; and two restaurants open to the public for lunch and dinner, Wednesday to Saturday, Sunday lunches and breakfast for overnight guests. The Estate is surrounded by an extensive Public Right of Way network. In this case, the footpaths and bridleway to the south provide largely unobscured views over the Estate and of the site because of their elevated height and the open landscape. The High and Over viewpoint to the southeast of the site also provides relatively open views into the site. The Estate also manages the Rathfinny Trail, which encourages walkers to visit the vineyard.

Another example of an application which relates large-scale agricultural process is the AC Goatham & Son fruit producers located on Ratcliffe Highway, within the countryside within the Deangate Ridge ALLI of Medway. In this instance a fruit processing and storage facility was approved under MC/08/1121. Planning permission was secured for a 5285m<sup>2</sup> building with a total capacity of 10,000 bins with a total of 32 full time and 86 part-time employees. It was considered an agricultural building and sufficient justification was put forward to demonstrate that the site was the best location and there was an overriding need for such a development.

It is clear from the applicant's submission that this proposal primarily relates to the agricultural process of wine making, namely the crushing, processing, and bottling of wine from grapes grown on site, albeit on a large scale, and therefore meets the considerations as outlined by the Court of Appeal. The scale of the winemaking enterprise outlined in *Millington V Secretary of State for Environment, Transport and Regions V Shrewsbury and Atcham Borough Council*: CA 25 June 1999 was not as large as this proposal. However, given that this proposed winery would serve a total landholding of approx. 485.6 Ha (1,200 acres), of which approx. 283 Ha (700 acres) have been planted with vines and another approx. 81 ha (200 acres) planned for the next two/three years, it is considered that that scale of the proposal is entirely appropriate for the requirements of the agricultural enterprise. It is appreciated that the proposal includes a café/ restaurant and visitors centre which are an important element of the proposal. This element would result in an anticipated number of 300 visitors per day and a 107-space car park, however it is considered that this element would be ancillary to the main agricultural use of the winery building as this element

would not exist without the winery. It is understood that of the total floorspace of 15,912m<sup>2</sup>. This would result in approx. 92% of the total floor space of the building serving the agricultural element of the proposal. Whilst there would be a landscape and highways impact in connection with the café/ restaurant and visitors centre, it is not considered that this results in a development which is not focused on the agricultural process of wine making. Given the sensitivity of the application site and surrounding countryside, the impacts would have to be appropriately mitigated and managed.

### AONB

The application site lies within the Kent Downs AONB. Considering the current rural, undeveloped nature of the land that would be affected, and the scale of the proposed new winery building and associated works, the proposal would constitute major development for the purposes of assessment under paragraph 177 of the NPPF; in line with footnote 60 of the NPPF, the nature of the development is such that it could have a significant adverse impact on the AONB. As such, the application needs to be assessed against both paragraphs 176 and 177 of the NPPF. Policy BNE32 of the Local Plan broadly reflects the NPPF in that development within the AONB would only be permitted when it conserves the natural beauty, wildlife and cultural heritage of the area. This Policy also allows for major development in exceptional circumstances and provides criteria in which major development would be assessed against.

Paragraph 176 of the NPPF requires great weight to be given to conserving and enhancing landscape beauty in AONBs. As the application affects an AONB, while planning decision-makers are required to consider and weigh all material considerations, the NPPF places the conservation and enhancement of the landscape and scenic beauty of an AONB into a special category of material consideration, to be given “great weight”. Paragraph 176 of the NPPF also requires the scale and extent of development within them to be limited.

Paragraph 177 of the NPPF requires permission to be refused for major development other than exceptional circumstances and where it can be demonstrated that the development is in the public interest. As explained above, it is considered that the proposed new winery and associated infrastructure proposed within the AONB boundary, comprises major development and as such needs to be assessed against this part of the NPPF.

As indicated in paragraph 177 of the NPPF, consideration of the exceptional circumstances and public interest tests for major development applications should include an assessment of:

- a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.*
- b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Assessment of paragraph 177 of the NPPF.



- a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.*

The applicant has amassed the single largest vineyard in the UK, comprising approx. 485.6 Ha (1,200 acres), of which approx. 283 Ha (700 acres) have been planted with vines and another approx. 81 ha (200 acres) planned for the next two/three years. This equates to a total of approx. 1.4 million vines planted to date and would result in the largest scale seen in the UK.

In terms of impacts on the local economy, the submitted document, the Skills and Employment Plan (dated July 2021) states that the new facility would lead to the creation of 50 jobs, and once operational, the estate will support 75 – 100 jobs in total and many more in the supply chain and by significantly boosting local tourism. This would come through the 300 visitors per day during peak season. The building would require a £30m investment, while it is intended to invest £60m across the wider estate. This would go on to support a prosperous rural economy as outlined in paragraph 84 of the NPPF by allowing for the sustainable growth and expansion of viticulture in Kent, through a well-designed new building; the development and diversification of agriculture; and development of sustainable rural tourism which respect the highly sensitive character of this countryside location.

The proposal would create educational opportunities including apprenticeships. The applicant is setting up apprenticeships to provide training across agriculture, viticulture, and commercial operations with Medway, KCC and Plumpton College, East Sussex. The winery building would include educational facilities to engage with local schools and colleges and provide programmes on sustainability, viticulture, and agriculture. The applicant has outlined that there is shortage in viticulture skills across the UK and they are seeking to be almost entirely reliant on UK labour in the future and to do that they need to bring the skills to the UK through education and training. The Apprenticeship Levy is a charge introduced by Government to help fund their plans to deliver a step change in apprenticeship numbers and their quality. The levy is designed to put apprenticeship funding in the hands of employers and encourage them to invest in and create apprenticeships. The applicant is about to begin paying the apprenticeship levy to utilise internal and external training programmes.

In assessing the impact of the development on local economy and the national implications, some guidance can be found in the Kent Downs Area of Outstanding Natural Beauty Management Plan 2021-2026, which was informed by the South Downs National Park Viticulture Growth Impact Assessment (dated April 2021). The summary report acknowledges the benefits of the viticulture industry and how it has altered the landscape of the South Downs National Park and it also touches on the need to carefully manage the environmental and landscape impacts. It outlines that the recent significant increase in vineyard area in the UK represents one of the most remarkable success stories of rural diversification and enterprise of recent decades. For example, there is now 51 vineyards and 11 wineries across the South Downs National Park (SDNP). They employ 358 people (including seasonal labour), attract 33,000 visitors a year, contribute approximately £24.5 million (directly from wine sales) to the economy and are attracting international acclaim for their high-quality wines.

Clearly, the large-scale nature of this proposal, whereby the applicants have created the UK's largest single vineyard with a future growth plan to invest up to £60m in the

area for infrastructure and vineyards will create economic and social benefits to Medway as well as on a national level. The proposal has the potential to heighten the public image of Medway and help promote future commercial and cultural investment and draw industries into the area.

In these circumstances it is considered that the proposal would result in both local and national benefits and support a prosperous rural economy in accordance with Policy BNE32(i)-(ii) of the Local Plan and paragraphs 84 and 177a of the NPPF.

*b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way*

Policy BNE25 of the Local Plan states that development in the countryside will only be permitted if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside; or on a site allocated for that use; or development essentially demanding a countryside location (such as agriculture). As outlined above, the winery is agricultural building and therefore is regarded as requiring a countryside location. Additionally, it would be located on a site comprising agricultural land and at the heart of the scheme, the design has been developed to integrate with the landscape character and appearance of the area. Paragraph 149 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this is buildings for agriculture and forestry. However, special attention must be paid to the protection of the AONB.

Therefore, in accordance with paragraph 177 of the NPPF, the applicant has explored the possibility of locating the wine production and storage functions at an off-site location outside of the immediate area of the AONB and most likely in an existing industrial area, for example, Medway City Estate or Kingsnorth Industrial Estate as the required scale of the buildings means that there are few locations where such provision would be achievable in principle. This would also require the high volume of picked fruit needing to be shipped to the off-site location, most likely on numerous tractor pulled trailers using local roads. Whereas processing on site to then transport wine in bottles produces significantly less vehicle movements given that a concentrated product is being transported.

Additionally, grapes are a soft fruit and transporting them will inevitably damage them, which will in turn affect the sugar levels in them. This in turn affects the quality of the juice and, ultimately, could have a detrimental impact on the quality of the product. Harvesting grapes has numerous logistical challenges as grapes are a time sensitive annual crop. Harvesting requires co-ordination of staff resources. It can also be affected by weather conditions (for example, harvesting in the rain results in more water on the grapes which dilutes the juice and ultimately, affects the quality of the wine). If the harvest had to be transported, as well as managing the time sensitive nature of the crop it would add a significant additional logistical challenge. Essentially 'doubling-up' of infrastructure and functions, such as water treatment, travel by staff, management of both sites, security and efficient purchasing and delivery of products used in all parts of the winemaking process.

Whilst not a planning issue, transporting the grapes would also add a significant additional financial cost, in terms of the cost of the additional distance travelled, the

additional wear and tear on vehicles and the need for more vehicles and staff to transport the grapes.

If processed off-site the grape husks would need to be brought back to the site to be used as fertilizer and processed in the energy centre. Alternatively, they will need to be disposed of as agricultural waste, which is less sustainable. On the other hand, if processed on site there are very few ingredients that need to be added to the grapes harvested on site other than water.

It is therefore considered that growing the fruit and producing the wine on-site offers a wide range of significant benefits in terms of limiting traffic impacts, limiting air quality impacts and improving sustainability.

It is considered that the cost and scope of developing outside of the AONB has been adequately considered and the impact both financially and regarding overall product quality would make such an option unviable. Therefore, on balance, the Council considers sufficient justification has been provided to demonstrate that an on-site location is necessary. No objections are raised by the Council regarding Policies BNE25 and BNE32(iii) of the Local Plan and paragraphs 149 and 177b of the NPPF.

*c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

The woodland that encloses the valley to the east, south and west of the proposed winery is a Site of Special Scientific Interest (SSSI) and designated Ancient Woodland; and the whole area lies within the Metropolitan Green Belt and the Kent Area of Outstanding Natural Beauty (AONB).

Given its sensitive location in landscape terms, being located within the AONB, the starting point would be that the development would cause some harm to a nationally protected landscape just by introducing development into the AONB. It is considered that moderate adverse impacts should also constitute a significant effect given the importance of the AONB for both visual and landscape.

#### Visual Impact on Valued Landscape and Proposed Mitigation

Paragraph 176 of the NPPF outlines that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. It goes on to say that that scale and extent of development in the AONB should be limited and should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The Bush Valley is identified as a character area within the MLCA. The MLCA describes the characteristics of the area as large arable fields enclosed by strong woodland blocks and wooded shaws but few hedgerows, with steep rolling dry valleys set within a dip slope of the North Downs. Landform and woodland provide a strong landscape pattern and sense of enclosure and includes the Upper Bush Conservation Area. It is a tranquil, complex, and distinctive landscape with a remote feel and a strong sense of place. There are also few detracting features. The MLCA states that the area is in good condition and highly sensitive. The tracts of countryside are relatively close to urban areas and inevitably subject to urban fringe pressures and activities.

Where development is proposed it is important to identify the characteristics of the landscape that assist the process of accommodating change (if possible), whilst maintaining the links with the past and the natural environment. The MLCA states that the general guidance is to seek to manage urban fringe pressures sensitively, observe Kent Downs AONB policies and management guidelines and work closely with key stakeholders.

In summary, the guidelines in the MLCA relating to this development seek to:

- Seek to sustain valuable work undertaken by Valley of Vision's 'Securing the Landscape' project which aims to prevent illegal off-road use in the valley.
- Seek to enhance and expand the PROW network wherever possible.

The application site currently has two areas of open agricultural land, separated by a large dense block of plantation woodland, through which three accesses are proposed. The open land north of the woodland is identified as Site A in the Landscape and Visual Evidence and Appraisal - Volume 1 Landscape and Visual Evidence (LVE), ref: Ref: 2148-TFC-00-ZZ-RE-L-8003 (dated May 2021); and Volume 2 Landscape and Visual Impact Assessment (LVIA), ref: 2148-TFC-00-ZZ-RE-L-8004 (dated July 2021). Its northern extent fronts Bush Road and the easternmost properties of Cuxton. It is overlooked from the north by rising valley slopes around Lower Bush and Ranscombe where there are PROWs. This open land between Bush Road and the block of plantation woodland is also identified for the proposed site access off of Bush Road leading to the visitor parking area. Initial Landscape Proposals have been put forward, with mitigation measures that address visual concerns regarding the impact of the development upon the local landscape character and the setting of Upper Bush Conservation Area, whilst increasing public access and habitat creation. This has been demonstrated through the inclusion of woodland block planting to maintain the enclosed nature of the hamlet of Upper Bush; to screen the Energy Centre flue; and to screen the access road and visitor parking from medium to long distance viewpoints.

The open land south of the plantation woodland is identified as Site B in the LVE (dated May 2021) and LVIA (dated July 2021). It's western extent fronts North Downs Way as it crosses the eastern slopes of Bush Valley. It is overlooked from the west and southwest slopes of Bush Valley, though there are no PROWs or other publicly accessible areas on these slopes. The open land between the North Downs Way public footpath and the block of plantation woodland is identified for the proposed winery building and energy centre.

The following characteristics of the site and surrounding area are important in considering the landscape and visual effects which result from the proposed development:

Site B is secluded, relative to the main road network however, it is far less secluded from the footpath network, with a PROW, North Downs Way, running fairly close to the proposed building along its western edge. Also, along the proposed winery building's northeast edge runs a PROW that forms part of a local loop surrounding Cuxton.

Sensitive management of the visual impact caused by any proposed new building on this site needs to be matched with maintaining aspects of the AONB's characteristic landscape and its tranquillity. The wooded cellular nature of the landscape appears to offer means by which a building's presence in the landscape could be sensitively managed and visual impacts mitigated with native landscape.

The architectural proposals also demonstrate how the scale of local landform rise-and-fall can be used to reduce its visual impact. Maintaining the current level of relative tranquillity will be more challenging as the winery proposals generally would bring more intensive visitor uses to Site B around its pedestrian and vehicular approaches. Trails, tracks, and roads connecting to the proposed development intersect and cross the three PROWs. Firstly, where the main access to the site links with the wider road network of Bush Road. The access road crosses Footpath RS210 which skirts the northeast edge of Site A. The second PROW affected relates to two trails and a road crossing through the plantation woodland intersecting Footpath RS210 a short distance to the northeast of the proposed winery building. The third relates to a proposed vehicular track that connects the winery building to the vineyards in Bush Valley, by crossing the Footpath RS201 (North Downs Way) on the southwest corner of Site B, and a new pathway also intersect around the same point. Generally, this use intensity is expected to be mostly low key, with higher seasonal intensity related to harvest activity and visitors.

Views of the winery building would be largely screened from most directions by a combination of topography and from vegetation and significant proposed landscaping, other than immediately adjacent to, or within the application site. The exception to this is from the higher ground north of Cuxton where there are panoramic views southwards towards the application site, including from an extensive public rights of way network, and open access land (Ranscombe Farm Nature Reserve). The site of the new access and car park to the north of the application site is within a more open landscape, currently part of a field that has recently been planted with vines and is generally more visible to the surrounding landscape, with less natural containment from topography and vegetation.

The proposed building, while large scale, is considered to be an elegant and well considered design that has sought to respond to its location within the Kent Downs, incorporating a curved roof profile to reflect the rolling hillsides of the Kent Downs and, in the main, utilises materials that are appropriate to the Kent Downs, such as flint wall cladding panels, a timber louvre system and a chalk grassland roof.

From the longer distance views north of Cuxton, the building's orientation and design would limit its visibility and reduce the overall impact, with much of the building proposed underground, coupled with the use of appropriate materials along with low natural tint glazing. Parts of the building would however still be visible, the precast concrete soffit feature to the curved roof and the glazing beneath. Concerns have been raised regarding the use of light-coloured concrete, as it is considered that this would increase the building's visibility within the landscape due to the proposed pale colour which would contrast strongly with the darker colours of the surrounding natural vegetation and make the building more prominent within the landscape. Additionally, the AONB Unit raised concerns that the photomontages provided within the LVIA appear to significantly tone down the colour of this feature when compared to the

architect produced images and therefore the impact appears less. It should be noted however, that the photomontages were produced all as winter views (as is accepted best practice) and rendered to be accurate. It would be the case for summer views to be brighter but so would the surrounding landscape.

Further to these concerns the applicant has submitted amended details which illustrate the proposed building with a darker tone of concrete edging, which would decrease the visual prominence of the building against the darker landscape. Further consideration of the detailed matters including materials and colour palette would be secured by condition.

In terms of near distant views from within the site and close to it, including from the North Downs Way and Public Footpath RS210 which both pass adjacent to the building, the scale of the development would be significant, dominating the views from the footpath to the northeast towards the building. Although the appearance of the building in the near distance views would be significant, it is considered that the building responds appropriately to its location. The building design and landscape integration have been carefully considered to mitigate any impact on the AONB as far as possible. The building is of a high-quality design which has used a creative subterranean design and curved roof profile to reflect the rolling hillsides of its locality. Its low profile means views from the North Downs Way to the west would be maintained beyond the building and the tree line of the existing plantation woodland would not be broken.

The proposal also includes a new access from Bush Road and the provision of a 107-space carpark. This would have the potential to significantly impact the AONB, given the move from the open nature of its locality north of the plantation woodland and visibility from the north and northwest. The carpark would replace a large area of undeveloped field with a 107-space car park which would, by its nature and in view of the existing land use, adversely impact on landscape character. The car park has been designed sensitively, taking onboard recommendations contained within Kent Downs AONB Design Guidance, whereby the proposed hard surfacing materials would be appropriate to the Kent Downs. The carpark layout would breakup large areas of surfacing with extensive planting and with considerable areas of woodland planting proposed to the car park's north-western side. It is appreciated that there would be short term and close-up adverse visual impacts from the car park, but once the proposed woodland planting matures, it would appear a natural addition to the plantation woodland and in keeping with local landscape character.

The proposed new access from Bush Road would be provided on a roughly north-south axis, parallel with an existing access to the adjacent Dean Farm. Initially, some planting mitigation was incorporated to help reduce the visual impacts of the new access. However, concerns were raised that the road would remain partly visible as would the vehicles moving along it. Therefore, the applicants revised the landscaping proposals to incorporate additional hedgerow and approx. 28,000m<sup>2</sup> tree screening along the entirety of the north-western side of the access/carpark which are considered to significantly reduce the visual impact of the road and associated vehicle movements.

It is considered that the any detrimental impact on the landscape would be appropriately mitigated against through extensive planting (approx. 28,268m<sup>2</sup>) and through a very sensitively landscape-led design approach to the development. Subject to the assessment regarding the impact outlined in the Ecology section below, no objections are raised by the Council regarding Policy BNE32(iv) of the Local Plan and paragraph 176 and 177c of the NPPF.

The environmental standard of the proposed construction of the development as outlined in Policy BNE32(v) of the Local Plan is considered in the Sustainability, Climate Change and Energy Efficiency section of this report and is considered to conform.

### *Ecology*

Paragraph 8 of the NPPF relates to sustainable development, paragraphs 174 and 179 of the NPPF outlines that planning decisions should contribute to and enhance the natural and local environment in terms of, and amongst other matters, minimising impacts on and providing net gains for biodiversity; and paragraph 180 of the NPPF provides guidance regarding habitats and biodiversity when determining planning applications. Policy BNE35 of the Local Plan relates to the long-term protection given to SSSIs and other conservation sites. Policy BNE39 of the Local Plan outlines that development would not be permitted if statutorily protected species and/or their habitat will be harmed and that conditions would be attached to ensure that protected species and/or their habitats are safeguarded and maintained. Policy BNE43 of the Local Plan relates to trees at development sites.

The NPPF paragraph 174(d) states that planning decisions should minimise impacts on and provide net gains for biodiversity and paragraph 179(b) states that plans should secure measurable net gains for biodiversity. Further, the Government set out its commitment to achieve Biodiversity Net Gain within its 25 Year Environment Plan, which will be mandated within the upcoming Environment Bill. The Environment Bill is likely to require all future schemes to deliver a mandatory 10% biodiversity net gain.

The primary ecological considerations for this application include, impacts to protected species and habitats during construction, impacts to wildlife once operational, loss of biodiversity to development and indirect impacts to biodiversity and ancient woodland once operational.

### Protected Species – Construction Phase

The Ecological Impact Assessment No. 20-2130.02 (dated July 2021) confirms that the breeding bird and terrestrial mammals (such as badgers and hedgehogs) are the primary protected species concern regarding the construction phase of the development. It is considered that the potential adverse impacts to birds can be mitigated. For example, carrying out vegetation removal outside of the breeding bird season. However, it was noted that the covering of excavations (for mammals) was not referenced in the CEMP. Moreover, significant badger activity was recorded across the site (with at least two separate clans/setts) which does not seem to have been included within the CEMP.

With at least two active badger setts within the plantation woodland (where there will be a new road and lengthy pedestrian/buggy access tracks), it is unclear what the impact will be and if there is an impact, how this will be mitigated for. The badger report states that “Whilst the bait marking study determined that the purple sett (S1) is a main sett, the footprint of the new access road through the plantation woodland will not fall within 30m of it, such that no mitigation is required.” The landscape proposals indicate that the road and access path come very close to setts 1 and 2 respectively and, therefore, the applicants were advised that further clarity is provided.

The applicants have clarified these issues, noting that the badger measures are included in the confidential badger survey report. The applicants have also submitted a revised CEMP which includes these measures in appendix 3. It is considered that the precautionary measures for protected species have been appropriately considered for the duration of the construction period, in accordance with Policies BNE35 and BNE39 of the Local Plan and paragraph 180 of the NPPF. Any forthcoming permission would include conditions relating to precautionary mitigation measures for protected species to be carried out in accordance with the details provided in appendix 3 of the Outline Construction Environmental Management Plan (June 2021).

#### Ancient Woodland – Construction Phase

The CEMP describes how the impacts to the nearby ancient woodland, including dust and light pollution, can be limited. The Ecological Impact Assessment states that there will be a 15m buffer-zone between all development and the ancient woodland boundary. Concerns were raised that some development activity appears to be taking place very close to the ancient woodland according to the submitted plans, namely the energy centre.

Therefore, the applicants have submitted further clarifications regarding the construction phases close to the 15m buffer to confirm that the works would be carried out without breaching the buffer zone. The additional details are considered satisfactory in terms of protecting the ancient woodland and any forthcoming planning permission would secure the ancient woodland protection buffer for the duration of the construction process. No objections are raised by the Council with regard to Policies BNE35 and BNE39 of the Local Plan and paragraphs 174 and 180 of the NPPF.

#### Operational Impacts on Protected Species and Ancient Woodland

It is considered that the indirect impacts to protected species and habitats will be minimal compared to those associated with a residential development, e.g., cat predation, invasive species, and recreational disturbance. However, concerns regarding the external lighting have been highlighted.

Generally, the submitted lighting report is comprehensive and features measures that are considered appropriate, such as appropriate timings of illumination and utilising specific types of lights which reduce light pollution. However, it is unclear where lighting will be situated and if there will be adverse impacts on the surrounding ancient woodland and nocturnal wildlife. In particular, the ancient woodland will have a rich invertebrate community which can be significantly impacted by light pollution.



At this stage the applicants cannot provide a plan showing lighting contours as this would require the exact positions of light and light fittings that has not yet been established. Therefore, the applicants have produced a plan illustrating the lux levels for each part of the site. As outlined in the Lighting Assessment, these lux levels are in accordance with the relevant British Standard and are the lowest possible to reduce the impacts on the AONB, ancient woodland and ecology whilst allowing wayfinding.

The applicants have also confirmed the proposed dimming regime which states that midnight – 5:30am lights would be switched off.

An 'expected' lux level plan has now been provided, as well as an 'outline' lighting strategy detailing appropriate timings of illumination and the specific types of lights (which reduce light pollution). As such, if the details are adhered to (notably turning off all external lighting between midnight and 5.30am), significant impacts on biodiversity can be avoided. However, the lighting details do not appear to be committed to (being 'outline') and the latest lighting document states "Seasonal daylight hours and operation times will affect the duration of illumination".

A final lighting design and operational plan will need to be produced and committed to prior to commencement of works. The plan would need to demonstrate how biodiversity will not be significantly impacted and detail final lighting design of development, including set times of illumination. Subject to the suggested lighting condition, no objections are raised by the Council with regard Policies BNE35 and BNE39 of the Local Plan and paragraphs 174 and 180 of the NPPF.

### Biodiversity and Ecological Enhancements

Under section 40 of the NERC Act (2006), and paragraph 180 of the NPPF, biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF, the implementation of enhancements for biodiversity should be encouraged.

The applicants have undertaken the Defra Metric. This objectively shows that the development will achieve a habitats unit net gain of 14% and a hedgerow unit net gain of 864%, and therefore the development will result in more biodiverse habitats. This is because the loss of ecologically uninteresting woodland plantation and intensively farmed arable land would be offset by the establishment of the proposed native calcareous wildflower grassland, tree planting and native hedgerow planting.

In particular, the provision of native wildflower grassland is a measure that is highly supported as this is arguably the most beneficial landscape feature for biodiversity that can be implemented. Initially, it was not clear from the submitted landscape scheme what the extent of the proposed wildflower grassland will be, with the document stating that details of this will be "...finalised at detail stage with ecologist". Therefore, the applicants have tried to address this by revising the landscape scheme to show that sizeable areas will be meadow habitat and includes an indicative planting schedule. The provision of wildflower grassland (and native hedgerow/tree planting) is crucial to ensure this development achieves no net-loss of biodiversity. However, there are no details regarding how the meadow will be established, what the seed mix will be and how it will be managed. For example, it is advised that once established, the meadow should be cut once or twice after the flowering season with the arisings from the

cuttings collected and placed in shaded woodland area for the benefit of breeding reptiles.

To secure suitable measures for the management of the retained, enhanced and created habitats, an Ecological Design Strategy (EDS) and a Landscape Ecological Management Plan (LEMP) would be secured by condition as part of any forthcoming planning permission. Subject to these suggested conditions, no objections are raised by the Council with regard to Policies BNE35 and BNE39 of the Local Plan and paragraphs 174 180 of the NPPF.

### *Impact on the existing Plantation Woodland and Ancient Woodland*

Policy BNE43 of the Local plan states that development should seek to retain trees, woodlands, hedgerows, and other landscape features that provide a valuable contribution to local character. Policy BNE6 of the Local Plan relates to the need for detailed landscape schemes to be submitted with applications for major development to enhance the character of the locality and relate to planting, maintainability, vistas, hard landscaping, retention of important existing features, supporting wildlife, management, and maintenance. Paragraphs 174 and 180 of the NPPF outlines that planning decisions should contribute to and enhance the natural and local environment and if significant harm cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, the planning permission should be refused.

### Impacts on the Plantation Woodland

The proposed development site, has two areas of open agricultural land, separated by a large dense block of plantation woodland, through which three accesses are proposed. The plantation woodland is not protected by a TPO, and it is not classified as Ancient Woodland or SSSI but is considered to make a positive contribution to the visual character of the area and would be partly relied upon to screen the proposed winery building and access road. The plantation woodland comprises a mix of species including beech, yew, holly, and sycamore, which are broadly typical of the SSSI/ Ancient woodland.

This application is supported by a revised Tree Survey, Arboricultural Implications Assessment and Method Statement Ref 21080/A2\_AIA\_Rev.A (dated November 2021) and revised tree constraints plans, and tree protection plans (received 5 November 2021). It is considered unlikely that there are any remarkable individual trees in the plantation woodland that should be preserved over others. Therefore, it would not be a requirement to survey all the trees to ascertain where the proposed routes through it should be plotted. The value of the plantation woodland is primarily the part it plays in the landscape character of the AONB, linking areas of ancient woodland, to prevent its deterioration through fragmentation, and screening the proposed development.

It is considered that there is a significant risk that the creation of a winding footpath/circular trail, together with a new road and a separate pedestrian and buggy access through the plantation woodland could significantly reduce the effectiveness of

the link between surrounding pockets of ancient woodland, whereby additional trees in the plantation could progressively fail once exposed to unfamiliar winds. Currently, only the edge trees in this woodland are fully exposed to winds. They have developed root systems and branch structures over the years since they were planted to cope with this exposure. In contrast, trees further into the plantation woodland are largely sheltered from these winds, with each tree benefitting from the mutual support provided by neighbouring trees.

There are questions regarding the completeness of the arboricultural impact assessment, particularly regarding the creation of gaps in the plantation woodland and the resultant risk of progressive tree failures once exposed to unfamiliar winds. In the absence of sufficient information relating to the root protection area of some groups of trees (namely trees in group G14) and the spacing of existing trees, it is unclear how wide the gap between retained trees would be to facilitate construction of the new road and a new pedestrian and buggy access. The submitted tree protection plan states that a 3m strip next to proposed roads would be removed to facilitate the scheme. This would result in a minimum of approx. 9m gap for the pedestrian and buggy track and a minimum of approx. 10.5m for the new road before taking account of tree spacing.

An informal bark/mulch footpath/circular trail is proposed in addition to the new pedestrian and buggy access. It is unknown exactly how many trees might be removed to assist in forming the route of the path and consequently how many additional openings would be created in the plantation woodland.

As mentioned above, it would not be necessary to survey all trees throughout the plantation woodland, but if planning permission is forthcoming, as part of the detailed matters to be considered at the discharge of conditions stage, it would be expected that the trees to be removed and retained near the new accesses are surveyed and plotted to determine an accurate assessment of trees that would need to be removed and therefore a realistic assessment of the width of openings.

The revised Tree Survey, Arboricultural Implications Assessment and Method Statement Ref 21080/A2\_AIA\_Rev.A (dated November 2021) proposes mitigation as set out in para 3.3.1. This includes tree felling, reducing circa 18m tall trees on the edge of the openings to a height of 10-12m, tree planting on the newly created woodland edges and monitoring retained trees for a period of two years.

It is not considered that the proposed mitigation would adequately address the impacts of creating the proposed accesses. The works outlined above and in the revised tree report would not be compliant with best practice, including the recommendations set out in British Standard 3998:2010 'Tree Works – Recommendations' are not readily recognisable as mitigation. The trees are unlikely to recover from such harsh pruning. New tree planting on the woodland edge is favourable, but wouldn't have an effect, either in terms of sheltering existing retained trees, or replacing lost tree canopy cover for a considerable number of years, particularly if additional tall trees progressively fail due to exposure. Monitoring retained trees for a period of two years isn't a form of mitigation. It is however commendable to ensure the safety of people either working at or visiting the winery having accepted that tree losses are likely.

If planning permission is forthcoming, it is recommended that a condition be attached for a mitigation strategy to be submitted with regard the creation of openings through

the plantation woodland, and the likelihood of progressive losses due to windthrow having exposed trees to unfamiliar winds.

Notwithstanding the information submitted to date and given the requirement for an assessment, and identification with regard to the removal of trees within the plantation woodland, it is recommended that a condition also be attached for tree protection measures and arboricultural methods of working (arboricultural method statements) to be submitted. Details in relation to these conditions should include the exact positioning of the various routes through the plantation woodland, the associated tree removals and subsequently the methods of working and tree protection measures.

### Impacts on the Ancient Woodland (SSSI)

The proposed winery building, and associated energy centre are located north of the edge of the nearest Ancient Woodland known as North Wood. The proposed tree and woodland protection measures detailed in the revised tree report and tree protection plan should prevent direct damage to the root protection area of either the ancient woodland or individual trees that grow within it, throughout all works including site clearance, earthworks, and construction. Furthermore, the buffer that has been provided between the proposed energy centre and the ancient woodland will be planted up with additional trees and will be fenced off to prevent unauthorised access, thereby reducing pressures on the ancient woodland brought about by people frequently accessing and using this space. Therefore, the buffer of 15m is considered adequate in this instance.

The proposal includes the relocation of an informal footpath under the canopy of the North Wood, along its north-western boundary. This area would be planted up with chalk grassland and an informal mown footpath would be introduced outside of the furthest extent of the ancient woodland canopy. Whilst this path would be inside the 15m buffer, it should be noted that this path would not constitute development and it would result in an existing and used path being moved from underneath the canopy, thereby reducing pressures to prune or fell in comparison to if the existing path was continued to be used by visitors of the winery and passers-by.

In terms of air quality and pollution, this has been addressed in other sections of this report, but in summary there would be no detrimental impact on the Ancient Woodland.

Subject to the conditions outlined, no objections are raised regarding Policies BNE6 and BNE43 of the Local plan and paragraphs 174 and 180 of the NPPF.

### *Design, Layout and Landscaping*

Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment and states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Policy BNE6 of the Local Plan relates to landscape design emphasising the need for high quality landscaping. Policy BNE25 of the Local Plan relates to development in the countryside whereby development should maintain, and wherever possible enhance, the character, amenity and functioning of the countryside. Policy BNE30 of the Local Plan

relates to the Metropolitan Green Belt and outlines development should be designed and sited so that the open character of the area is maintained. The NPPF attaches great importance to the design of the built environment. Paragraph 126 of the NPPF emphasises the importance of good design and paragraph 130 of the NPPF is key to achieving well designed places.

The proposed site is designated as AONB which requires the design to conserve and enhance the area's significant qualities. The AONB Kent Downs design guidance requires new development to respect and compliment rural settlement form, pattern, character and its landscape setting, reinforcing local distinctiveness; use native woodland, shaw, hedgerow planting as appropriate to local character and open space to integrate new development; use advance planting of native local trees and shrubs; seeks to retain key landscape features; avoid the introduction of urban bollards, concrete block paving and highly coloured signage; minimise the visual domination of large expanses of walls and roofs using changes of materials or colour and varied pitches and shapes for roofs; and lastly seeks to incorporate appropriate, locally available building materials, and the use of neutral matt colours.

### Layout and Landscaping

The applicants Design and Access Statement (dated July 2021) outlines that as part of the design process, the applicant, explored key opportunities and locations for the proposal to ensure the scheme is sensitively located and capture the prime views of Bush Valley. The site was chosen for its westerly sweeping views over the valleys whilst being shielded by trees on all other sides.

The new vehicular access road (to be formed of bitmac with chippings) and pedestrian footpath (to be formed of compacted chalk) would be created from Bush Road with new signage formed in natural materials, to an arrival point to the north-eastern extent of the plantation woodland. This element of the proposal has been considered in detail by the applicants in consultation with the Local Planning Authority. The road would appear as a winding country lane, integrated into the landscape, and shielded from sensitive views from the north by natural undulations in the landscape, and by taking advantage of the low terrain, existing areas of vineyard and new hedgerows and trees, this access will be concealed and preserve the agricultural character of the northern end of Bush Valley. From the junction the lane curves and follows the eastern edge of the applicant's site with an offset of a minimum of 17.5m from the parallel Dean Farm access road. The space between the access road and the edge of the site will be landscaped with trees and hedgerows to minimise the impact on distance views from the northwest of the two access roads running parallel.

The visitors parking area would also take advantage of the low terrain. The topography of the land, which rises steeply to the west and then falls away, would help shield the car park from Upper Bush and longer views from the northwest. The car park has been designed sensitively, whereby the proposed hard surfacing (stabilised gravel materials) would be appropriate to the Kent Downs. The car park layout includes extensive planting to breakup parking spaces and considerable areas of woodland planting to its north-western side. In the long-term it would appear as a natural addition to the plantation woodland in keeping with local landscape character.

The proposal would include pedestrian paths from the car park to the winery building and provision has been made for visitors with limited mobility who would be driven to

the building by electric carts. These paths would be through the plantation woodland and the newly planted woodland and would be screened from surrounding vantage points. The main paths would be formed from compacted chalk and the circular path would be formed from bark mulch.

The main pedestrian paths would be separated from agricultural and delivery routes. The service lane would slope down past the energy centre to enter the lower basement level of the winery building and will be further concealed by tree and hedge planting. Further areas of tree planting would be introduced to the northwest and southeast of the winery building to further enclose and screen it, reducing any impacts upon the Upper Bush Conservation Area and in the wider context.

To protect the SSSI/designated Ancient Woodland to the south of the winery building a minimum 15m buffer zone has been included. The proposed tractor path would be formed from reinforced grass surfacing and would fall outside this buffer zone. This buffer zone would extend to the southwest until the tractor path turns down towards the valley floor. The buffer zone would be planted with native plants and chalk grassland.

## Architecture

The Design and Access Statement goes on to outline how the proposed winery building responds to the site analysis, historic context, and appraisal of the local area together with the development frameworks to ensure that the architectural response is sensitive to its context. The design has developed in consultation with Local Planning Authority and local stakeholders. As a result of this process, the key design objectives have been identified, being, respecting the characteristics of the Kent countryside and local landscape; innovative design with integrated sustainable development; contributing to the local community.

Careful consideration has been given to the existing topography of the site. The design has evolved to provide a significant area of accommodation below the levels of the site with the ground level visitor areas being the only part of the winery building above the existing site levels. The winery building itself is defined by a sweeping crescent shape that flows across the landscape to reflect the rolling hills of Bush Valley and the natural and manmade outcrops of chalk that are a characteristic of southern England.

To create the significant subterranean structure the proposal includes substantial regrading of the north-western slope of the valley. Excavated material from the construction would be used to regrade the north-western slope and the areas to the west of the winery building. The proposed regrading would help blend the building with the surrounding terrain to create a continuous landscape across the roof and ensure that all excavated materials will be retained and re-utilised on site. The roof would be planted with natural chalk grasslands and associated plants and fauna that will encourage biodiversity across the site.

The roof's profile includes an edge that would be formed in high quality precast concrete that has been etched to expose its flint aggregate. Concerns have been expressed with the pale tone of this edging and the applicants have provided images of a darker concrete to minimise the buildings visibility from longer views against its darker backdrop. The winery building's elevations have been developed to respond to a variety of differing conditions. The northern elevation is formed by the roof structure

as it descends to the ground plane and will be planted with chalk grassland and edged with pre-cast concrete. The southern elevation will have the same edge profile and planting with the internal spaces of the grape reception formed in dark metal panels and shutters that provides access to the main fermentation hall.

The east and west elevations will be substantially glazed to maximise daylight and to provide views from and into the winery building. On either end of these elevations there are functional requirements that require opaque enclosures (plantroom and grape reception). In these locations flint aggregate is proposed to form the enclosures. In addition to these surfaces the proposals also include oak timber panelling to screen specific areas of the winery building. These panels could be soot washed or dark stained as a reference to the black distemper used on historic agricultural buildings of the 16<sup>th</sup> century.

These proposals are intended to become part of this landscape with the winery building embedded into the topography of the site, forming a relationship with the rolling hills. The design would incorporate a significant sensitivity to development and would be designed to be in keeping with the landscape by maintaining the 'openness' of the rural landscape. The challenge of designing architecture as buildings within the significance of the AONB has been considered at length through dialogue with the Local Planning Authority, Design Review and taking account of comments from the AONB unit. The seamless approach of design and landscape integration where most of the building functions are below ground is a major feature of this project and one that renders the architecture as a landscape as much as a building. Putting wine making and logistics processes below ground clearly lodges otherwise messy processes out of sight while the building form as a landscape pocket and habitable downland undulation also allows the management of sensitive views demonstrated within the CGIs provided.

The geometry of this solution has been individually crafted for its location. On the edge of the AONB at the transition between woodland backdrop and rolling downland it seamlessly adds a further dimension to the transition. In doing so it is not only disguised within the geometry but forms a positive contribution that punctuates the transition that makes itself felt by its appropriateness, even though this indeed constitutes change to a highly sensitive landscape.

In these circumstances it is considered that the proposed design, layout, and landscaping responds well and is appropriate for its very sensitive locality. No objections would be raised in this regard, with reference to Policies BNE1, BNE6, BNE25, BNE30 and BNE32 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Visual Impact on the Historic Environment*

Policy BNE12 of the Local Plan seeks to preserve and enhance the character and appearance of the Conservation Area. Policy BNE14 of the Local Plan also provides guidance on development within Conservation Areas outlining that high quality design should be achieved. Policy BNE18 of the Local Plan states that development which would adversely affect the setting of a listed building will not be permitted. Paragraphs 194 and 197 of the NPPF provides advice when determining planning applications and outlines that applicant should describe the significance of any heritage assets affected,

including any contribution made by their setting; the desirability of sustaining and enhancing the heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 201 of the NPPF seeks to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Any remaining harm needs to be weighed as part of the planning process against the overall public benefits of the development, as per paragraph 202 of the NPPF. Policy BNE43 of the Local Plan and paragraph 174 of the NPPF seeks to retain trees, woodlands, hedgerows, and other landscape features that provide a valuable contribution to local character.

The application site is located adjacent to the Upper Bush Conservation Area (CA). this CA includes a wooded strip of land to its southernmost extent along with a path that continues to the application site. There are two Listed Buildings within the CA, Barrow Hill House (Grade II) and High Birch (Grade II\*). This application is supported by a Heritage Statement Ref 2021/80 (dated August 2021). In summary the heritage statement relates to proposed development on land south of Bush Road, near Cuxton.

In reviewing the statement which includes a brief historical background, the applicant has examined how the proposed development might affect the listed buildings and CA in terms of setting. With regards to the Listed Buildings and CA, in terms of heritage significance, these will be little affected overall, and, where affected, mitigation can be achieved through preserving and extending the tree-cover that separates the CA from the proposed development area.

In terms of the wider landscape setting, no appreciable change in the visual effect of the CA is expected. What effect there is, is minor, the main change being the view from the extreme south-eastern extent of the CA, an area which is located at some distance from the Listed Buildings. This effect can be mitigated by sensitive design and landscaping.

The proposed access road and car park will be hidden from the CA by a slope. This lack of adverse effect will be further guaranteed through screening offered by the newly planted vines as well as tree and hedgerow planting lining the road to its western edge and new tree planting enclosing the proposed car park.

Overall, the small hamlet of Upper Bush and Listed Buildings within would remain largely unaffected by the proposal. It is a self-contained enclosure screened by a perimeter of mature trees retaining the character internally and externally.

Subject to the proposed new planting no objections are raised regarding the impact to the visual character and appearance to the CA or Listed Buildings in accordance with Policies BNE12, BNE14 and BNE18 of the Local Plan and paragraphs 194, 197, 201 and 202 of the NPPF.

*Archaeology*



Policy BNE21 of the Local Plan relates to development affecting potentially important archaeological sites, the need for an archaeological field evaluation and states that development should not lead to the damage or destruction of important archaeological remains. The significance of a heritage asset is defined in the NPPF under Section 16. Paragraph 197 of the NPPF provides guidance on determining applications, paragraph 203 of the NPPF describes the approach to be taken towards non-designated heritage assets and paragraph 205 of the NPPF also makes provision for the recording of heritage assets that are likely to be demolished or destroyed by development.

The applicant commissioned the Canterbury Archaeological Trust (CAT) to prepare an Archaeological Desk-Based Assessment - report number 2021/79 (dated July 2021) and Phase 1 Archaeological Evaluation Report – report number 2021/27 (dated July 2021) and carry out a targeted trial trench evaluation within the footprint of the proposed winery building.

The trial trench evaluation identified the presence of archaeological remains, comprising a probable funerary monument of Late Neolithic or Early Bronze Age date that was subsequently enlarged in the Early Bronze Age. One burial associated with the monument was identified during the evaluation (and remains in situ) whilst further burial remains should be expected.

It is considered that the site contains important archaeological remains and KCC Archaeology have discussed the results of the evaluation works with Historic England. As a result of those discussion, it is suggested that on balance, the monument does not appear to meet the level of significance required for designating as a scheduled monument. As such, in planning terms, the monument should be considered as a non-designated heritage asset. This is not to say the monument is not important as it is of interest and possesses clear archaeological potential. Additionally, the form of the monument remains unusual, and there does not appear to be any immediately comparable features from Kent.

Paragraphs 189 and 195 of the NPPF notes that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance and the need to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a development on a non-designated heritage asset paragraph 203 of the NPPF explains that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application and that in doing so a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The term non-designated heritage asset encompasses a wide array of archaeological assets across a wide spectrum of significance. In this instance, it is considered that the monument at Upper Bush falls at the top-end of that spectrum. Additionally, given the archaeological potential of the site it remains possible that further archaeological evidence might yet be encountered that reveals the heritage asset to have equivalent significance to a scheduled monument.

The nature of the proposed scheme, which would require significant excavation and engineering works to facilitate the proposed building, would result in the total loss of this non-designated heritage asset, and this harm would need to be balanced against the benefits of the scheme. As discussed so far in this report, the proposal would provide social, ecological, and economic benefits associated with the construction and

operation of the winery including the provision of 75 -100 permanent and seasonal jobs once operational and more throughout the supply chain and by significantly boosting local/ rural tourism. The proposal would result in significant investment in the estate and local area to support a prosperous rural economy as outlined in paragraph 84 of the NPPF, and diversification of agriculture. The proposal would create educational opportunities including apprenticeships in association with Medway, KCC and Plumpton College, through the Apprenticeship Levy. The proposal would also result in significant tree and hedgerow and native wildflower grassland planting. The development would also achieve a habitats unit net gain of 14.34% and a hedgerow unit net gain of 864.47%.

In these circumstances it is considered that the benefits that this development would bring outweigh the harm to the non-designated heritage asset. Therefore, any forthcoming permission would include conditions relating to a detailed programme of archaeological excavation and recording required prior to commencement of development. Such excavation and recording would ensure that the monument to be lost is properly examined and recorded. Following on from the excavation a programme of post-excavation assessment and analysis would be needed.

It should also be noted that the archaeological evaluation works carried out at the site to date have focussed on the impact of the new winery building on a previously known, but not adequately understood, archaeological site. The wider development area remains un-investigated, but the submitted Archaeological Desk-Based Assessment - report number 2021/79 (dated July 2021) suggests that further remains of archaeological interest and deposits of geoarchaeological and paleo-environmental interest might be present across the red-line area. Further field evaluation works of these elements would be required, but any such field evaluation works (and any subsequent investigation and recording) could be carried out following the determination of the planning application and secured by condition. The abovementioned programme of archaeological works condition would cover these elements. Lastly a condition requiring the agreement of foundation designs and details of below ground excavation should also be included in any forthcoming planning permission.

In these circumstances, no objections are raised regarding Policy BNE21 of the Local Plan and paragraphs 197, 203 and 205 of the NPPF.

### *Sustainability, Climate Change and Energy Efficiency*

Paragraph 154 of the NPPF outlines that new development should avoid increased vulnerability to the range of impacts arising from climate change. It should ensure that risks can be managed through suitable adaptation measures that can help to reduce greenhouse gas emissions, such as through its location, orientation, and design. Policy BNE4 of the Local Plan states that energy efficiency measures will be sought within development proposals and Policy BNE32(v) of the Local Plan outlines that any construction should be carried out to high environmental standards.

The proposal is supported by Chapter 7 – Sustainability – of the Design and Access Statement and an Energy Statement (dated July 2021) to highlight several unique features and best practice measures that will contribute to social, economic, and environmental aspects of sustainable development at a local, regional, and national

level, which the applicant intend to incorporate into the proposal. The key topics identified by the applicant are:

- highest environmental standards.
- innovative design.
- cutting-edge sustainability solutions.
- net zero carbon.
- efficient water use.
- local biodiversity enhancement.
- gravity fed techniques.
- efficient processes.
- onsite re-use of agriculture biproducts.
- positive impact on local economy.

### Operational Carbon

The applicant is aspiring to reach BREEAM 'Outstanding', with a minimum standard of 'Excellent' performance. The Design Stage Assessment carried out by the appointed BREEAM Assessor (South facing) gives a current targeted score of 85.9%, just beyond the 85% threshold for 'Outstanding'. Several additional credits have been identified that may be achievable, which would be studied in more detail in later stages. The energy strategy implemented following the energy hierarchy gives a 40.5% reduction in carbon emissions (operational carbon) compared to the Building Regulations Approved Document Part L2A 2013 baseline. The applicant's intention is to reduce the building's emitted CO<sub>2</sub> as far as possible as the design progresses and areas of improvement have been identified for future design stages.

### Embodied Carbon

The applicant has also investigated carbon emissions associated with the materials and construction process throughout the whole life cycle of the building, known as embodied carbon. It is noted that the concrete specifications with allowable cement replacement with GGBS (Ground Granulated Blast-furnace Slag) of between 36% and 80% have the potential to reduce the embodied carbon significantly.

There would be some residual emissions to manage once all the measures outlined have been deployed. The current project intent is to manage these emissions in two ways. First, the intention is that embodied carbon resulting from the project will be calculated, and equivalent carbon credits purchased to offset it off-site, if this is still a viable and acceptable approach to carbon accounting. This process will be repeated for all future fitouts.

Second, starting as soon as practically possible, the applicant intends to re-plant large areas of trees on the wider estate. This reforestation strategy is under development, in conjunction with Wessex Woodland Ltd. Their site studies suggest that an area of approximately 34.8 hectares is viable for significant reforestation. Their scope also includes selection of appropriate tree species for the site, considering the existing SSSI woodlands and the ground conditions. They will be responsible for procuring tree

stock, preparing the selected land areas for forestation, planting the new trees, and managing the new growth as it develops.

At around Year 31 of operation, the site would become a net carbon sink, essentially drawing down more carbon from the atmosphere than the development emits. This is due in part to the trees maturing, but also to the fact that as the UK electricity grid decarbonises, the annual emissions from the building reduce.

## Water

Wine making is traditionally a water intensive process, requiring significant clean water inputs, and producing significant wastewater. As with energy, the applicant's approach is to begin by minimising water consumption and wastewater produced.

The design of the winery building reduces the use of potable water against conventional demands through incorporation of several measures:

- Specification of efficient fittings, sanitaryware and appliances.
- Installation of flow control devices, water meters, controls, and major leak detection systems.
- Minimisation of irrigation requirements through planting selection.
- Utilisation of low water strategies where possible in the wine making process, for example potential for steam cleaning.

Furthermore, options for the most effective approach to reuse of water on site were explored in terms of benefits, plant requirements and energy costs. The selected approach collects rainwater falling on the roof and combines it with treated greywater from the wine making process and basins. This non-potable water is then reused for WC flushing and other appropriate demands. Any excess from this system is stored in the proposed lake, where it would soak away slowly.

## Waste

The applicants proposed to follow a more circular approach to waste. This means keeping high value materials in use for as long as possible, prioritises reduction and re-use of materials first and foremost.

A robust waste, energy and water reduction strategy will mean resources consumption during construction is kept to a minimum. This strategy will include facilities for the segregation and storage of waste onsite. The BREEAM credits for construction waste management are being targeted, with a minimum of 70% non-demolition waste (by volume) diverted from landfill, and a maximum of 13.3m<sup>3</sup> waste per 100 m<sup>2</sup> GIA.

The use of single use plastics on site would be discouraged by installing a drinking water fountain for public use and implementing strategies to reduce the amount of packaging coming on to the site. Additionally, the applicant is exploring innovative packaging options to reduce glass usage.

A Waste Management Strategy would be developed to formalise the strategy for minimising and managing waste through the lifecycle of the winery building, including the operation of the site. Sufficient space would be provided within the winery building, both front and back of house, for the segregation of waste.

## Energy

Significant agricultural and wine processing waste will be managed on-site, together with organic waste from the building. These organic products would be fed into the anaerobic digester, which produces both biogas and a solid 'digestate'. The biogas would be used to power the onsite CHP (Combined Heat and Power) unit, and the digestate is valuable as fertiliser for the agricultural land.

During the high heating demand months (winter and mid-season) the produced biogas will not be sufficient to cover the total demand of the CHP and injection of biogas from the grid will be required. Based on the energy estimation study it has been identified that produced biogas can cover 40-50% of the total annual demand of the development. Of this 77% can be directly used on site whilst the remaining 23% will be re-injected to the grid.

## Sustainable Transport

A detailed Travel Plan has been submitted as part of the planning application. The primary objective of the Travel Plan is to reduce the number of journeys to/from the winery building that are undertaken by car, by both staff and visitors. It will do this by, firstly, increasing staff and visitor awareness of availability and potential benefits/advantages of utilising sustainable modes of travel and, secondly, introducing a package of physical and managerial measures to promote and facilitate travel by sustainable modes of travel, as an alternative to private car usage.

The key strategies developed are:

- Provision of electric shuttle buses between local train stations and site, to be included in visitor ticketing options.
- provision of pedestrian and cycle access, as well as cycle facilities.
- Provision of electric vehicle (EV) charging facilities.

This is discussed in more detail in the highways section below.

## Biodiversity

This application is supported by various ecological and landscape proposal documents previously outlined in the body of this report. It is noted that the development will achieve a habitats unit net gain of 14% and a hedgerow unit net gain of 864%, and therefore the development would result in more biodiverse habitats.

Any forthcoming permission would include condition requiring the implementation of the sustainable and energy efficiency technologies and practices outlined in the Design and Access Statement and the Energy Statement (dated July 2021) and the submission and approval of a signed verification report. No objections would therefore

be raised regarding Policy BNE32(v) of the Local Plan and paragraph 154 of the NPPF.

### *Flood and Drainage*

Policy CF13 of the Local Plan outlines the circumstances development will not be permitted within a tidal flood area. Paragraph 166 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that schemes incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. Paragraph 168 of the NPPF also goes on to say that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The application site is situated within Flood Zone 1 as shown within Environment Agency mapping and has no record of surface water flooding. The Highway network, Bush Road, experiences a high risk of surface water flooding. It should be ensured that the development does not increase this risk.

Inspection of British Geological Mapping indicates the presence of Lewes Nodular Chalk. The Flood Risk Assessment highlights that infiltration testing has been undertaken in line with BRE365 and infiltration is acceptable in this location.

It is recognised that the proposal seeks to use multifunctional SuDs with the use of rainwater harvesting to reduce potable water. The proposal includes a green roof which will reuse the collected water within the main building, filter drains, a soakaway, channel drains, permeable paving, and swales.

The SuDs components proposed offer appropriate water quality mitigation in accordance with the most up to date guidance contained within the CIRIA SuDs Manual C753.

A plan would need to be submitted detailing the management of surface water throughout the construction phase from the point of entering the site and removal of topsoil through to the completion of the development. This would be secured by a separate condition considering the likely planning timeline. The plan should outline the phases of construction showing where and when drainage features will be installed and how runoff would be managed, to minimise flood risk and water quality impacts on site and to the surrounding areas. The plan should reference when the drainage will be installed with regards to houses, roads and any other hard standing (any drainage should be installed prior to these).

Subject to the suggested conditions, the proposal is considered to be in accordance with Policy CF13 of the Local Plan and paragraphs 166 and 168 of the NPPF.

### *Amenity*

The main amenity consideration is the impact of the proposal on the surrounding community with a focus on residential amenity, air quality and noise. Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF relates to the protection of amenities.

## Neighbouring Residential Amenity

The nearest residential properties to the winery building are the dwellings located in the hamlet of Upper Bush. Given the distance between these properties and the proposed winery building, it is considered that there would be no detrimental impact on neighbouring residential amenities in terms of loss of daylight, sunlight, outlook, or privacy. However, there is potential for there to be an impact on residential amenities in terms of noise, activity levels, air quality and traffic generation and impacts during the construction period and operation of the proposal which is assessed below.

## Air Quality

Policy BNE24 of the Local Plan relates to air quality and airborne emissions. Paragraph 186 of the NPPF outlines that decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

The application is supported by an Air Quality Assessment Ref: 001 (dated July 2021) and following requests for clarification, the applicant has submitted an additional response regarding the air quality assessment. The air quality assessment has assumed a worst-case scenario on vehicle emissions by holding emissions factors at the baseline year for the assessment of opening year impacts. The same has been assumed for background concentrations.

The assessment has considered operational road transport impacts, construction phase impacts and the impacts associated with emissions from on-site plant. It is noted that for the on-site plant, specific operational time periods have been assumed, and it is recommended that these operational times are controlled by condition as per the assumed hours in the air quality assessment.

The assessment of the development related road transport emissions has predicted a negligible impact upon air quality at relevant human receptors. An emissions mitigation assessment has been carried out which calculates a monetary value to be used for providing air quality mitigation. The source sector costs used were 'Road Transport Urban Large' as advised in consultation with the Council. A range of mitigation measures have been proposed, and these are all acceptable in principle. The installation of EV charging points is included as standard air quality mitigation in the Medway Air Quality Planning Guidance and there are certain expectations in terms of the numbers of spaces provided with charging points. The applicant will need to set out and clearly demonstrate how the air quality damage costs will be offset within an Air Quality Mitigation Scheme that should be secured by condition.

The applicant has also clarified that the impacts of the on-site plant on off-site human receptors has been carried out. The modelled energy centre contributions were combined with the relevant road traffic and background contributions to calculate the total annual mean NO<sub>2</sub> concentrations at the closest existing human receptors (Receptor numbers 25 – 28) to the energy centre, which were presented in the air quality assessment. However, it was not explicitly stated in the report that this had been done. The contribution of the energy centre emissions to total annual mean NO<sub>2</sub> concentrations at these four receptors are an average of the contributions predicted

across the three years of meteorological data used in the air quality assessment and are insignificant.

The Air Quality Assessment and additional air quality information provided is considered satisfactory and the development should not have a significant impact upon local air quality. It is agreed that hours of use restrictions on the energy centre are not required given the very low predicted impact. It is however recommended that a condition covering the submission of details of an Air Quality Mitigation Scheme is included on any permission. Whilst it is appreciated that the costs of the shuttle bus service, and other proposed mitigation measures, may well exceed the total damage costs, specific details of measures to be employed will still be required, including the provision of EV charging points (commensurate with the rates required in the Medway Air Quality Planning Guidance). Therefore, this would be secured by a condition requiring the submission and approval in writing of an Air Quality Emissions Mitigation Statement.

### Noise

Policy BNE2 of the Local Plan and paragraph 130 of the NPPF seeks to secure future occupier amenity regarding noise, as noise can significantly affect the quality of life of surrounding residents.

The application is supported by a Noise Impact Assessment ref: 001 (dated July 2021). The noise assessment is acceptable. However, given the lack of assessment of specific on-site plant it will be necessary for a further assessment to be provided that considers all on site fixed plant noise emissions once further details are available. Therefore, a condition relating to the submission of a scheme to minimise the transmission of noise from the use of the premises would be required. Subject to the suggested condition, the proposal is considered acceptable in this regard.

### Construction Period

The application is supported by an Outline Construction Environmental Management Plan Rev A (dated 16 October 2021 (CEMP)). The CEMP outlines how the development would be undertaken to minimise the impact of the construction period on the amenities of residents, the countryside, wildlife, and habitats which are considered acceptable.

However, National Highways have noted that the submitted CEMP does not provide enough detail regarding the likely impact on M2 Junction 2 and the SRN in the vicinity of the site during the construction phase. Therefore, any forthcoming planning permission should include a condition to secure the submission of a CEMP that includes this detail. Subject to this condition, the proposal is considered acceptable in this regard.



## *Contamination*

Policy BNE23 of the Local Plan requires that proposals for development of land likely to be contaminated should be accompanied by the findings of a site examination, which identifies contaminants. Paragraph 183 of the NPPF relates to ground conditions and contamination and the need for appropriate investigation and remediation.

The application is supported by a Preliminary a Geo-Environmental Risk Assessment (Desk Study) ref: 70080257\GE (dated April 2021). The document is thorough and recommends a further Generic Quantitative Environmental Risk Assessment (GQRA) of the ground, groundwater, and ground gas to identify any contaminants and any required mitigation measures, based on the information submitted in the report. It is considered that a contamination condition be attached to any permission requiring this information to be submitted. No objections are raised by the Council regarding Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

## *Highways*

### Existing Conditions

The application site is to the south-west of the village of Cuxton, served by the A228 and Cuxton railway station. The southern part of the site, where the winery building and energy centre would be located, is an arable field enclosed by woodland on all sides. The northern part of the site, where the access road and car park would be located, is separated by a plantation woodland and the field is planted with grape vines.

Bush Road is subject to a 30mph speed restriction between the junction with the A228 Sundridge Hill and a point just beyond the western extent of Cuxton, approx. 130m to the west of the Dean Farm access, beyond which the national speed limit applies. There are no restrictions (size or weight) on the type of vehicles that can use Bush Road.

Bush Road varies in width from approx. 6.5m at the junction with the A228 to approx. 5.5m at the Dean Farm access and approx. 4.5m just beyond this point to the west. There are intermittent central markings on Bush Road to the east of Dean Farm, along with some buildouts to restrict the useable width of the carriageway and forcing cars to give way to oncoming vehicles.

Along Bush Road there are double-yellow lines in places that prevent parking, particularly on the approach to the junction with the A228 to the east of the site. On-street parking bays are provided close to a parade of shops within Cuxton, but informal on-street parking occurs at a range of locations along Bush Road.

## Accident data

The applicants have reviewed the latest three years of accident data, along Bush Road between the A228 and the Medway boundary with Gravesham. The review shows only three incidents, which was classed as slight. The Local Planning Authority consider that the accident data does not identify any inherent hazards within the study area.

## Accessibility

Policy T14 of the Local Plan states that Travel Plans will be required for developments which require a Transport Assessment and paragraph 104(c) of the NPPF goes on to say that development proposals should identify and pursue opportunities to promote walking and public transport use. Paragraph 110 of the NPPF states that applications for development should provide safe and suitable access to the site for all users. Paragraph 113 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed. Policy T3 of the Local Plan relates to the provision for pedestrian access outlining that, developments shall provide safe and attractive pedestrian access and should maintain or improve all routes related to the site. Policy T4 of the Local Plan relates to cycle facilities which seeks secure cycle parking and associated facilities.

The architectural proposals also demonstrate how the scale of local landform rise-and-fall can be used to reduce its visual impact. Maintaining the current level of relative tranquillity will be more challenging as the winery proposals generally would bring more intensive visitor uses to Site B around its pedestrian and vehicular approaches. Trails, tracks, and roads connecting to the proposed development intersect and cross the three PROWs. Firstly, where the main access to the site links with the wider road network of Bush Road. The access road is close to Footpath RS200 which skirts the northeast edge of Site A. The second PROW affected relates to two trails and a road crossing through the plantation woodland intersecting Footpath RS201 a short distance to the northeast of the proposed winery building. The third relates to a proposed vehicular track that connects the winery building to the vineyards in Bush Valley, by crossing the Footpath RS201 on the southwest corner of Site B, and a new pathway also intersect around the same point. Generally, this use intensity is expected to be mostly low key, with higher seasonal intensity related to harvest activity and visitors.

The application is supported by a Framework Travel Plan – B/MDLuddesdown.1 (dated July 2021). The objective of the Plan is to reduce unnecessary vehicular trips undertaken by staff and visitors to the winery building through the promotion and facilitation of suitable alternative modes of travel when accessing the site.

## Pedestrian Accessibility

In terms of the existing infrastructure, there is an existing footway on the southern side of Bush Road, which stops approx. 210m east of the proposed site entrance. The

footway varies in width but provides a link to the A228. The site is near the North Downs Way and is well served by PROWs. A signed public footpath known as Tomlins Lane exists from Bush Road, commencing at the end of the footway that runs through Cuxton. This public footpath continues along the farm access track towards Dean Farm, giving access to the public footpath that runs from the North Downs Way at Upper Bush and into Mays Wood, with links to North Halling. The Travel Plan outlines measures to promote pedestrian accessibility including signs to direct pedestrians to PROWs and a footway provided to link the site with the existing footway on Bush Road.

### Cycle Accessibility

Due to the site's rural location, dedicated cycle infrastructure is limited in the vicinity. As outlined within the Transport Assessment - B/MDLuddesdown.1 (dated July 2021), there are opportunities for visitors to cycle to the west to Cobham and Sole Street, however due to the A228 to the east, it is likely only confident cyclists would utilise this route. The Travel Plan outlines that 25 covered and secure cycle storage spaces would be provided; along with a permanent cycle pump and bike repair stand including tools adjacent to the cycle storage area; the applicants are also investigating membership of a Cycle to Work scheme and promoting local cycle safety campaigns; lastly the applicants want to open up discussions with Local Authority's cycling team regarding the state of local cycling network, potential improvements, promotional events offered by the Council and availability of any matched funding.

### Public Accessibility

The nearest bus stop to the site is located on Charles Drive in Cuxton and is approx. 1.3km from the proposed site. The stop has a flag and timetable information but there are no bus kerbs or restrictions on parking, meaning cars can park in front of the stop. The local service 151, travels from Kings Hill to Chatham via Rochester, Strood, Cuxton, Halling, Snodland, Leybourne and West Malling. It stops in Cuxton five times a day on an approx. two-hourly basis throughout the day. There is no evening or Sunday service at this stop, although the bus does pass through Cuxton on the A228 on Sundays.

In terms of train provision, the closest station is Cuxton approx. 2.25km to the west, on the eastern side of the A228. A pedestrian crossing island is provided over the A228 to link between Bush Road and Station Road. This can be accessed on foot, with an approx. 30-minute walk or by bicycle (seven minutes).

The Travel Plan includes measures to be investigated to promote public transport including promotion of operator discounts for staff; season ticket loans; diversion of existing local bus routes on Bush Road; covered waiting area for minibus / taxi passengers; staff shuttle bus to run at start and end of typical working hours to and from Cuxton station and central location in Strood; and a visitor shuttle bus to and from rail stations.

Additionally, the Travel Plan outlines measures to improve suitability of private travel and discourage the use of private vehicles. This includes 10 electric vehicle charging points; promote car sharing and staff car share parking spaces closest to building

entrance; parking charges or restrictions on use to make travel to/from the site by more sustainable transport more appealing.

### Accessibility Summary

It is recognised that the development has limited accessibility in terms of non-motorised vehicles and therefore, particularly for staff, there are restricted opportunities for staff to utilise sustainable forms of transport. However, consideration need to be given to the type and use of the development and the opportunities for leisure guests to visit the site using the existing pedestrian infrastructure and take advantage of the innovative travel options being investigated by the applicants.

The improvements outlined above would be required by a condition in accordance with Policies T1, T3, T4 and T14 of the Local Plan and paragraphs 104(c), 110 and 113 of the NPPF.

### Site Access

Policy T1 of the Local Plan states that proposals should not significantly add to the risk of road traffic accidents; and Policy T2 of the Local Plan states that proposals which involve intensification in use of an existing access will only be permitted where it would not be detrimental to the safety of vehicle occupants, cyclists and pedestrians or can be improved to a standard acceptable to the Council as Highway Authority.

The proposed access road has been designed to limit its visual impact but making sure no detrimental impact would arise in terms of Highway Safety. The applicant has indicated a new access road will be provided from Bush Road for use by staff, deliveries, and visitors. Drawing number, A-011-XX-42-PL Rev 01 and A-011-xx-43-PL Rev 01 received 4 November 2021 outlines the road will be approx. 4.8m in width (the recommended minimum width for a car to pass an HGV) with wider passing points provided on both sides along its length. The applicants have designed the road to accommodate Rigid Delivery Vehicles, refuse vehicles and coaches and have provided a Stage 1 – Road Safety Audit Ref S/LIDLPUROBROOKWAY2.1.1.6 Rev A (dated July 2021).

In terms of pedestrian access, the applicant has provided a separate footpath adjacent to the access road, however it is expected that many pedestrians would use the proposed upgraded PROW adjacent to the Dean Farm access. The existing PROWs that run through the site will be retained on their current alignments. The applicant has stated that a new public footpath will be created from the North Downs Way as it emerges from the woodland to the southeast and run northwards to the east of the winery building and connect to existing public footpaths to the north of the winery building. This route is already used informally and will be formalised to improve access across the site and onto the PROW.

It is considered that these arrangements would provide a safe vehicle and pedestrian access to the site along with connectivity improvements to the existing footpaths within the site to a standard which would be acceptable to the Council and in accordance with Policies T1 and T2 of the Local Plan and paragraph 110 of the NPPF.

## Parking

Policy T13 of the Local Plan states that proposal will be expected to make vehicle parking provisions in accordance with the Council's adopted standard and paragraphs 104(b) and 104(c) of the NPPF relate to transport issues including opportunities from existing or proposed transport infrastructure are realised; and opportunities to promote walking, cycling and public transport use are identified and pursued. Paragraph 112(e) of the NPPF outlines that development should provide electric charging facilities. Paragraph 108 of the NPPF relates to a clear and compelling justification in setting maximum parking standards for residential and non-residential development.

Given the unique use, the Medway Parking Standards do not have a set standard for a winery use. The applicants have reviewed similar parking provision for comparable sites to formulate the parking provision as summarised in the submitted Outline Car Park Management Plan Ref: MDLuddesdown.1 (CPMP). The objective of the CPMP is to ensure the safe and efficient operation of the proposed car park, with the primary aim of ensuring the development does not prejudice highway safety, or cause inconvenience to other highway users.

A car park for staff and visitors is provided just north of the plantation woodland. The design is based on the provision of standard 2.5m x 5m non-disabled parking bays and minimum 2-way aisle widths of 6m. The applicants have also proposed ANPR to manage the proposed car park, so it is used only by staff and visitors to the site. The provision can be summarised as the following:

- 92 standard parking bays.
- 5 disabled parking bays.
- 10 EV charging bays.
- 2 drop-off/parking bays for minibuses.
- 2 coach parking bays.
- 25 cycle parking bays.

Given that the NPPF has put sustainable development as a central core and Paragraph 112(e) whereby development should provide electric charging facilities, the proposed EV charging bays would be secured by condition.

The application is also supported by an Outline Deliveries and Servicing Management Plan (DSMP) separate to the Transport Assessment. The DSMP is applicable to all delivery vehicles associated with the development, with all suppliers to be made aware of the measures and controls within the DSMP prior to the winery coming into operation. Deliveries will be made using the dedicated delivery/servicing area located at basement level of the winery building. Bays are provided to accommodate up to 2 delivery vehicles at a time with space provided for turning within the internal area.

The likely frequency of deliveries that will serve the winery building, as set out in the Transport Assessment submitted in support of the planning application:

- Import (bottling materials etc) – 1 per day.
- Export (wine delivery) – 2 per day.
- Small delivery (parcel) – 1 per day.

Waste and recycling collection from the store will be managed by private contract with one collection for each per week. All vehicles will arrive at the winery building from the eastern end of Bush Road via the signalised junction with the A228. Vehicles will depart to the east on Bush Road towards the signalised junction with the A228. Import and export deliveries will be made using large rigid delivery vehicles and will managed to arrive and depart outside of the network peak hours and school drop-off/pick-up times. As a result, the following timeslots for deliveries are proposed:

- 6-7am.
- 4-5pm.

It is considered in principle the Deliveries and Servicing Management Plan is acceptable, however, final details should be secured by condition.

### Traffic generation and impact

Policy T1 of the Local Plan states that proposals will be permitted where the highway network has adequate capacity to cater for the traffic which would be generated by the development and Policy BNE2 of the Local Plan states that development should protect those amenities enjoyed by nearby properties regarding traffic generation. Paragraph 104(a) of the NPPF states that transport issues should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be addressed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

### Trip Generation

In terms of staffing and operations, the applicants have provided table 5.1 (within the Transport Assessment), which outlines the predicted vehicle movements across the seasons. The peak movements (two-way trips) are in Summer (July & August):

- Staff Production – 16 trips.
- Staff Visitor - 66 trips.
- Bottling HGV – 2 trips.
- HGV Deliveries – 4 trips.
- Small Deliveries - 2 Trips.
- Waste Collection – 2 trips (note waste collection is due to be twice a week).
- Visitors to winery – 124 trips (note all modes i.e., cars, minibus, coach).
- Visitors to restaurant – 56 (note restaurant does not open until 6pm).

The above trips would be spread-out throughout the day. It is considered that most trips associated with the development are to be outside the peak hours. Nevertheless, the applicants have outlined that from the above trips, those travelling in the AM Peak (07;45 to 08;45) would be 29 and in PM Peak (17;00 to 18;00) 47 trips.

## Trip Distribution

The applicants have assigned all vehicles towards the east and the junction with the A228 that provides access to the wider highway network, including the M2 motorway to the north and the M20 motorway to the south. Although some vehicles may travel to/from the west, all trips have been assigned to Bush Road and the A228 junction for a robust assessment.

## Impact to highways

The applicant has carried out a weeklong automatic traffic count on Bush Road, Cuxton at a location close to the proposed access and adjacent to the Dean Farm Access, between Wednesday 18 September and Tuesday 24 September 2019. Further survey work was requested in terms of the Bush Road/A228 priority Junction and the applicants carried out a turning count survey on 27 to 30 March 2021. To consider any potential Covid implications regarding a reduction in traffic movements, the applicant used growth data to provide representative levels from 2017 data.

The following scenarios were assessed:

- 0745-0845 – the network and development AM peak hour.
- 1600-1700 – the network PM peak hour.
- 1700-1800 – the development PM peak hour; and
- 1300-1400 – the Saturday peak hour.

It is noted that the applicants have outlined:

*“The AM peak hour for the development is actually 0700-0800 when staff will be arriving for the beginning of their working day (at 8am), but these trips have all been included within the network peak of 0745-0845 for robustness and to reflect that many would arrive between 0745 and 8000”*

To understand network traffic growth, the following scenario years have been agreed through consultation with the Highways Authority:

- 2021 – base/year of application.
- 2024 – year of opening; and
- 2027 – being three years from the year of opening.

## Junction assessments

### Bush Road - Site Access

An assessment of the new access to serve the development from Bush Road identifies no capacity issues during either the AM or PM peak.

## A228 - Bush Road

The assessment of this junction outlines that the development would increase delays and queues at the junction. Paragraph 111 of the NPPF outlines that:

*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on Highway Safety, or the residual cumulative impacts on the road network would be severe.*

In this context, it should be noted that just because a development increases delay or adds additional vehicles to a queue does not in itself amount to a sufficient level of harm to refuse the application. It is the implications of that additional delay or congestion on the highway network. This has been highlighted in a recent appeal decision which stated:

*“It is not the function of the planning system to ensure that the convenience of the private car user is safeguarded from congestion, especially existing congestion.”*

When reviewing the modelling assessment, the increase between 2024 base and 2024 base with development demonstrates that in the AM peak delay marginally increases by 15 seconds and in the PM peak 115 seconds. In terms of 2027 base and 2027 base with development similar increases are seen with delay of 16 seconds in the AM and 136 seconds.

In terms of weekend peak period, the modelling indicated no significant impacts.

The above assessment therefore recognises that the proposal would result in additional congestion, however given that the traffic arising from the proposal during the peak hours would be relatively small when compared to the forecast growth and existing levels of movements, this additional impact would not be sufficient to meet the threshold of paragraph 111 of the NPPF.

## Mitigation

During the application process, it was agreed between the applicant and the Local Planning Authority that a contribution would be provided to secure a Traffic Study along Bush Road once the development is in operation (to assess the peak summer period) with a contribution attached to cover any potential highway improvements that may be raised from the conclusions of the Traffic Study.

Improvements to Bush Road were identified during the consultation period and through discussions with the Ward Councillor. The contribution would be secured in part on commencement of the build to investigate the potential improvements and to secure the outstanding balance on occupation of the winery.



The applicants have provided a Framework Travel Plan, to help encourage staff/guests to use more sustainable forms of transport. It is considered that prior to occupation of the visitor centre (including the Café and Restaurant), a detailed Travel Plan is submitted which would be secured via condition. A key aspect of the Travel Plan is for the applicant to provide shuttle buses from Cuxton train station, for example the applicant intends to provide an “all in one end to end travel and entry ticket” that for single price includes:

- Return train travel from major areas of origin, i.e., London to a local railway station.
- Pick-up and drop-off at a local railway station by minibus; and
- Entry to winery building (either the AM or PM slot).

### Conclusion to Highways Section

Subject to the appropriate conditions and S106 contributions being secured, it is considered that the proposal is acceptable regarding highways and pedestrian safety, capacity, parking, and sustainability. The development would conform with Policies BNE2, T1, T2, T3, T4, T13, T14 of the Local Plan and paragraphs 104, 110, 111, 112 and 113 of the NPPF.

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be considered if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

Paragraph 58 of the NPPF says that it is for the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage.

Based on the developer contribution request received through the formal consultation period, the following contributions are sought:

- I. A contribution of £4,200 towards new Public Right of Way signage, waymarking and replacement kissing gate at RS203.
- II. A contribution of £80,000 towards a Traffic Study once development is operational and any subsequent highway improvements to Bush Road that may arise from the conclusions of the Traffic Study.
- III. A contribution of £30,000 towards improvements to the Tomlins Way Public Right of Way.

## **Planning Balance, Conclusions and Reasons for Approval**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal would support 75 – 100 jobs in total and many more in the supply chain and by significantly boosting local tourism. The proposal would create educational opportunities including apprenticeships across agriculture, viticulture, and commercial operations and would engage with local schools and colleges and provide programmes on sustainability, viticulture, and agriculture. The proposal has the potential to heighten the public image of Medway and help promote future commercial and cultural investment attracting industries into the area.

In response to the sensitivity of the Kent Downs AONB and the greenbelt designation, a well-considered and elegant design has been developed. It utilises materials that are appropriate to the Kent Downs and it is considered that the building responds appropriately to its location. The building design and landscape integration have been carefully considered to mitigate impacts on the AONB as far as possible. The proposed access road and car park would be screened with significant hedgerow and tree planting along the entirety of the north-western side, which are considered to significantly reduce the visual impact of the road and associated vehicle movements.

In terms of ecology and trees, the precautionary and protection measures for protected species and the ancient woodland have been appropriately considered. The indirect impacts to protected species and habitats would be minimal, subject to appropriate conditions. The proposal would result in habitats unit net gain of 14.34% and a hedgerow unit net gain of 864.47% which would be secured by condition. It is noted there is a risk that some trees within the plantation could progressively fail once exposed to unfamiliar winds due to the creation of new accesses. However, mitigation would be secured by condition to address this.

The archaeological potential, whilst significant is classified as a non-designated heritage asset and has been adequately considered against the benefits of the proposal. Any forthcoming planning permission would include appropriate conditions. The proposal would incorporate highly sustainable and energy efficiency technologies and practices throughout the construction period and through the operational lifetime of the development. There would be no detrimental impact to residential amenities, highways and pedestrian safety, capacity, parking, and sustainability, or air quality, flood risk and contamination.

On balance it is considered that the impact of this proposal in terms of introducing development in to the AONB and Green Belt which results in harm to the character, appearance, and function of this important landscape area simply by its presence to the site, has been minimised and would be adequately mitigated through the well-considered and elegant design of the proposal, the significant landscaping proposals, along with careful management of the operation of the development. In addition to this, the proposal would bring significant economic and social benefits both locally and nationally. This would be through the creation of jobs and additional spend in the local area through linked trips and associated tourism as well as providing apprenticeship and educational opportunities.

Given the benefits identified above, along with the proposed mitigation measures, the proposed development would result in a sustainable form of development that would outweigh any residual harm and as such planning permission should be granted.

The proposal is considered to be in accordance with Policies S1, S2, BNE1, BNE2, BNE6, BNE12, BNE14, BNE18, BNE21, BNE23, BNE24, BNE25, BNE28, BNE30, BNE32, BNE35, BNE39, BNE43, T1, T2, T3, T4, T13, T14 and CF13 of the Medway Local Plan 2003 and paragraphs 8, 11, 58, 84, 85, 104, 108, 110, 111, 112, 113, 126, 130, 137, 147, 148, 149, 154, 166, 168, 174, 176, 177, 179, 180, 183, 186 194, 197, 201, 202, 203 and 205 of the National Planning Policy Framework 2021.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation for approval.

The application was presented to the Planning Committee on 8 December 2021. It was deferred to enable the Committee Members to visit the application site and participate in a Question and Answer (Q & A) session with the applicant to clarify a number of issues raised as outlined in the Planning Committee meeting minutes.

A site visit was carried out on 15 January 2022 where Committee Members and Council Officers walked the application site and the visited the junction of Bush Road and the A228.

The Q & A was held on 22 February 2022 allowing Committee Members to ask questions of the applicant for clarification on the issues raised during the Planning Committee Meeting on 8 December 2021.

Following the Planning Committee Meeting on 8 December 2021, further legal advice was provided as to whether the proposed development would constitute inappropriate development in the Green Belt. It was considered balanced, however due to the provision of the visitor centre and café/restaurant which would measure more than 1,000m<sup>2</sup>. it was considered that the proposed development would constitute inappropriate development in the Green Belt and therefore accordance with The Town and Country Planning (Consultation) (England) Direction 2021, if the Planning Committee is minded to grant planning permission, the authority shall consult the Secretary of State.

### **Further Representations**

Further Representation both in support and objecting to the application have been received since the Planning Committee Meeting on 8 December 2021. Reference to these representations will be provided on the Supplementary Agenda for the 9 March 2022 Planning Committee Meeting.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>