

## **Swale Borough Council**

### **Notice of Adoption of Queenborough and Rushenden Masterplan Supplementary Planning Document**

#### **Planning and Compulsory Purchase Act 2004 Town and Country Planning (Local Development) (England) Regulations 2004 (as amended 2008 and 2009) Regulation 19**

#### **Habitats Directive (92/43/EEC, as amended) Articles 6(3) and (4) and the Conservation of Habitats and Species Regulations 2010 Regulation 102**

Swale Borough Council has adopted the Queenborough and Rushenden Masterplan Supplementary Planning Document (SPD). It was amended following a formal public consultation period which ran for six weeks ending December 2007, in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 SI 2004 / 2204 (as amended by SI 2009 /401). The resulting representations were reported to the Council's Local Development Framework Panel on 15th October 2009. The LDF Panel's recommendation that the SPD be adopted (subject to amendments) was approved by the Council's Executive on 18<sup>th</sup> November 2009. The SPD was adopted on 12th November 2010.

The Queenborough and Rushenden Masterplan SPD is now a material consideration in the determination of planning applications. It applies to the areas covered by Policies AAP6, MU5, MU6, B21 and T9 and has been prepared pursuant to those policies.

A Sustainability Appraisal and Strategic Environmental Assessment were carried out for the draft SPD, and consulted upon and the responses taken into account in finalising the document. However, the change to the Statutory Regulations embodied in by SI 2009 / 401 mean that Sustainability Appraisals are no longer required to support an SPD. The changes agreed after the consultation stage will still be made to the document.

The Habitats Regulation Assessment was undertaken by SEEDA (South East England Development Agency) to assess the potential effects of the proposals included in the Queenborough and Rushenden Masterplan on the Natura 2000 network of internationally important wildlife sites.

The need for Habitat Regulations Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by Regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994 (as amended in 2007). The ultimate aim of HRA is to "maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest" (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status.

Swale Borough Council have reviewed the assessment and agree with the conclusion of Natural England, the appropriate body, that it is “satisfied that, subject to the control measures within the Habitats Regulations Assessment prepared by Campbell Reith being fully implemented, the masterplan should not result in a likely significant effect upon the European and Internationally designated nature conservation sites.”

As a Council we “are satisfied that the control measures within the document, if fully implemented, are sufficient to ensure at the masterplan stage that there will be no likely significant effect on the European and International designated sites.” As such, “Natural England recommends that the Council formally adopts the document prepared by Campbell Reith (revision 3 dated 22 October 2009) as our Habitats Regulations Assessment.”

The SPD sets out a masterplan for the Queenborough and Rushenden areas. It plans for around 2,000 new homes, of which 25% will be provided as affordable houses. They will be around 180,000 sq.m. of new employment floorspace, primarily within the Neatscourt area where there is the opportunity for a range of B1, B2 and B8 uses. There will be a range of new community facilities, including a new health care facility, a new primary school, a sports hall and shops/cafés/restaurants. The focal point for new retail and community provision will be at “*Rushenden Square*”, where the new link road joins with Rushenden Road, and at the old school in Queenborough. The marina will also be a focal point for shops/cafés/restaurants/open space/recreation.--

Copies of the Adoption Statement, the Queenborough and Rushenden Masterplan SPD, the Consultation Statement, the Habitat Regulations Assessment and the SA/SEA may be viewed and downloaded from the Council’s website at [www.swale.gov.uk/LDF](http://www.swale.gov.uk/LDF)

Copies of The Masterplan, The Project Delivery and Sustainability Charter will be available for public inspection at the Council Offices during normal opening hours:

- Swale House, East Street, Sittingbourne.
- Sheerness District Office, Trinity Place, Sheerness.

It will also be available to view at The Gateway, Rushenden Road, Rushenden.

Any person aggrieved by the Queenborough and Rushenden Masterplan SPD may make an application the High Court for permission for a judicial review of the decision to adopt the SPD on the grounds that the document is not within the appropriate powers and/or that a procedural requirement has not been complied with. Any such application should be made promptly and in any event not later than three months after the SPD was adopted.