

## The Planning Inspectorate

### QUESTIONNAIRE (s78) and (s20) PLANNING AND LISTED BUILDING CONSENT (Online Version)

You must ensure that a copy of the completed questionnaire, together with any attachments, are sent to the appellant/agent by the date given in the start letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.**

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us by the date your statement is due.

Appeal Reference

APP/A2280/W/21/3276221

Appeal By

ESQUIRE DEVELOPMENTS

Site Address

Land at Upnor Road,  
Upper Upnor  
Rochester  
Medway  
ME2 4XE  
Grid Ref Easting: 575371  
Grid Ref Northing: 170530

#### PART 1

1.a. Do you consider the written representation procedure to be suitable? Yes  No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? Yes  No

2.b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? Yes  No

Please explain

It is not essential for the Inspector to enter the site to assess it as it can be seen from public land for the most part. However it is advisable for the Inspector to enter the site.

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes  No

3.a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? Yes  No

3.b. Are there any other appeals or matters adjacent or close to the site still being considered by us or the Secretary of State? Yes  No

#### PART 2

4. Does the appeal relate to an application for approval of reserved matters? Yes  No

5. Was a site ownership certificate submitted with the application? Yes  No

6. Did you give publicity to the application in accordance with either Article 15 of the DMPO 2015, Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
7. Does the appeal relate to a county matter?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>8. Please indicate the development type for the application to which the appeal relates.</b>			
Major Developments			<input checked="" type="checkbox"/>
Minor Developments			<input type="checkbox"/>
Other Developments			<input type="checkbox"/>
<b>8.a. Major Developments</b>			
Dwellings			<input checked="" type="checkbox"/>
Offices/R and D/light industry			<input type="checkbox"/>
General industry/storage/warehousing			<input type="checkbox"/>
Retail and services			<input type="checkbox"/>
Traveller caravan pitches			<input type="checkbox"/>
All other major developments			<input type="checkbox"/>
<b>Is the appeal site within:</b>			
9.a. A Green Belt?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
9.b. An Area of Outstanding Natural Beauty?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
10. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

### PART 3

11. Would the development require the stopping up or diverting of a public right of way?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12.a. Is the site in a Conservation Area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12.b. Is the site adjacent to a Conservation Area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
12.c. Does the appeal proposal include the demolition of a non-listed building within a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
13.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
13.b. Would the proposed development affect the setting of a listed building?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
14. Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
15.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
16. Is any part of the site subject to a Tree Preservation Order?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
17. Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning & Compulsory Purchase Act 2004) relating to the application site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

18. Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
19.a. Is the appeal site in or adjacent to or likely to affect an SSSI or an internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
19.a.i. If YES, was it necessary to consult Natural England?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Please attach the comments of Natural England <input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			
19.b. Are any protected species likely to be affected by the proposals?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Please attach the comments of Natural England or attach details, including relevant extracts of any protected species standing advice that has been considered. <input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			

<b>PART 4</b>			
<b>Environmental Impact Assessment - Schedule 1</b>			
20.a.i. Is the proposed development Schedule 1 development as described in Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>Environmental Impact Assessment - Schedule 2</b>			
20.b.i. Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
20.c.i. Have you issued a screening opinion (SO)	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>Environmental Impact Assessment - Environmental Statement (ES)</b>			
20.d. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>Environmental Impact Assessment - Publicity</b>			
20.e. If applicable, please attach a copy of the site notice and local advertisement published as required for EIA development.	Applies	<input type="checkbox"/> N/A	<input checked="" type="checkbox"/>
21. Have all notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Please attach copies of any comments that you have received in response. <input checked="" type="checkbox"/> <a href="#">see 'Questionnaire Documents' section</a>			

<b>PART 5</b>			
22. Do you wish to attach your statement of case?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
<b>For appeals dealt with by written representations only</b>			
23. If this appeal is not following the written representations expedited procedure, do you intend to send a statement of case about this appeal?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>

**Copies of the following documents must, if appropriate, be attached to this questionnaire**

24.a. a copy of the letter with which you notified people about the appeal;

see '[Questionnaire Documents](#)' section

24.b. a list of the people you notified and the deadline you gave for their comments to be sent to us;

see '[Questionnaire Documents](#)' section

Deadline

20/07/2021

24.c. all representations received from interested parties about the original application;

see '[Questionnaire Documents](#)' section

24.d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes;

see '[Questionnaire Documents](#)' section

24.e. any representations received as a result of a service of a site ownership notification;

24.f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan);

*You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination.*

24.g. extracts of any relevant policies which have been 'saved' by way of a Direction;

see '[Questionnaire Documents](#)' section

List of policies

Medway Local Plan policies BNE25 and BNE34. NPPF 2019 paragraph 170

24.h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when;

24.i. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption;

*In the case of emerging documents, please state what stage they have reached.*

24.j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted;

*Only tick that this applies if you intend to submit a list of conditions with the questionnaire. If you do not submit the list with the questionnaire, then this should be submitted by the date your statement is due. This list must be submitted separately from your appeal statement.*

24.k. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

24.l. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;

24.m. your Authority's CIL charging schedule is being/has been examined;

24.n. your Authority's CIL charging schedule has been/is likely to be adopted;

24.o. any other relevant information or correspondence you consider we should know about.

**For the Mayor of London cases only**

25.a. Was it necessary to notify the Mayor of London about the application?      Yes     No   

25.b. Did the Mayor of London issue a direction to refuse planning permission?      Yes     No   

**LPA Details**

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

**Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.**

## QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/A2280/W/21/3276221

Appeal By ESQUIRE DEVELOPMENTS

Site Address  
Land at Upnor Road,  
Upper Upnor  
Rochester  
Medway  
ME2 4XE  
Grid Ref Easting: 575371  
Grid Ref Northing: 170530

### The documents listed below were uploaded with this form:

**Relates to Section:** PART 3

**Document Description:** 19.a.i. The comments of Natural England.

**File name:** Statutory - Natural England.pdf

**Relates to Section:** PART 3

**Document Description:** 19.b. The comments of Natural England or details, including relevant extracts, of any protected species standing advice that has been considered.

**File name:** Statutory - Natural England.pdf

**Relates to Section:** PART 4

**Document Description:** 21. Copies of any comments that you have received in response.

**File name:** Statutory - Parochial Church Council.pdf

**File name:** Statutory - MC Flood Risk.pdf

**File name:** Statutory - Kent Wildlife Trust.pdf

**File name:** Statutory - Southern Water 1 of 2.pdf

**File name:** Statutory - Kent Police.pdf

**File name:** Statutory - Southern Gas Networks 2 of 3.pdf

**File name:** Statutory - Frindsbury Extra Parish Council 2.pdf

**File name:** Statutory - Highways England.pdf

**File name:** Statutory - MC Integrated Transport 1.pdf

**File name:** Statutory - MC Integrated Transport 3.pdf

**File name:** Statutory - Frindsbury Extra Parish Council 1.pdf

**File name:** Statutory - MC Integrated Transport 2.pdf

**File name:** Statutory - Hoo Parish Council.pdf

**File name:** Statutory - High Halstow Parish Council.pdf

**File name:** Statutory - Natural England.pdf

**File name:** Statutory - Southern Water 2 of 2.pdf

**File name:** Statutory - KCC Biodiversity.pdf

**File name:** Statutory - Southern Gas Networks 1 of 3.pdf

**File name:** Statutory - Environment Agency.pdf

**File name:** Statutory - Southern Gas Networks 3 of 3.pdf

**Relates to Section:** PART 5

**Document Description:** 24.a. A copy of the letter with which you notified people about the appeal.

**File name:** Appeal Neighbour Letter.pdf

**File name:** Appeal Consultee Letter.pdf

**Relates to Section:** PART 5

<b>Document Description:</b>	24.b. A document containing a list of the people you notified of the appeal.
<b>File name:</b>	Appeal Consultation List.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.c. Copies of all representations received from interested parties about the original application.
<b>File name:</b>	Land at Upnor Road - Neighbour Reps.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.d. The planning officer's report to committee or delegated report on the application and any other relevant documents/minutes.
<b>File name:</b>	Case Officer Report.pdf
<b>Relates to Section:</b>	PART 5
<b>Document Description:</b>	24.g. Copies of extracts of any relevant policies which have been 'saved' by way of a Direction.
<b>File name:</b>	BNE25.pdf
<b>File name:</b>	NPPF Feb 19 Front Sheet.pdf
<b>File name:</b>	NPPF Para 170.pdf
<b>File name:</b>	Front Sheet Local Plan Policies.pdf
<b>File name:</b>	BNE34.pdf
<b>Completed by</b>	Not Set
<b>Date</b>	22/06/2021 15:17:48
<b>LPA</b>	Medway Council