

CLIFFE AND CLIFFE WOODS RESIDENTS DEVELOPMENT GROUP

mycliffevillage@gmail.com

Constituted 29 March 2022 | Rule 6(6) party to appeal APP/A2280/W/22/3313673 | Nominating body for the APCM Recreation Ground asset of community value

Ms Hannah Gunner

Principal Planning Officer, Development Management

Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

By email: hannah.gunner@medway.gov.uk and planning.representations@medway.gov.uk, and via the planning portal

Copy: Mr Peter Hockney, Head of Development Management Planning Service

7 September 2026

Dear Ms Gunner

OBJECTION

Application MC/26/1646

Details pursuant to condition 41 (design and layout of pitches, courts and pavilion) on appeal decision APP/A2280/W/22/3313673 (MC/22/0254), land to the east and west of Church Street, Cliffe, Rochester

The Cliffe and Cliffe Woods Residents Development Group objects to this application. The group is a constituted residents' association, was granted Rule 6(6) status by the Planning Inspectorate in the appeal which granted the underlying permission and is the nominating body for the listing of the APCM Recreation Ground as an asset of community value.

The group objects because the details submitted deliver materially less than the replacement sports facilities on which the Inspector granted permission, and because they do not contain the information that condition 41 requires. The group asks the Council to refuse the application. In the alternative, it asks that the application be held undetermined until the matters set out at section 12 have been resolved.

This objection does not seek to reopen the principle of development. That was settled by the appeal decision of 28 November 2023. It is directed solely at whether the details now submitted are capable of discharging condition 41. The group relies in addition on its Formal Representation to the Council of 9 August 2026, which is on the files for MC/26/1459, MC/26/1465, MC/26/1466 and MC/26/1467, and which raised statutory matters that remain unanswered.

1. Summary of the objection

	Ground	In short
1	The details deliver less than the facilities on which permission was granted	The appeal decision records three tennis courts and three cricket nets. The applicant's own Planning Statement offers two courts and no nets.
2	The pavilion detail required by condition 41 has not been submitted with this application	The pavilion is designed, on MC/26/1467. That drawing forms no part of MC/26/1646.

	Ground	In short
3	The application trespasses on undetermined reserved matters	The same site plan is before you in MC/26/1467, which is undetermined.
4	The consultation with Sport England required by condition 41 is not evidenced	No Sport England response appears on the register for this application or for MC/26/1467.
5	The layout cannot be fixed before ground conditions and drainage are known	Condition 40 is undischarged and MC/26/1459 is undetermined. The drawing defers drainage.
6	The Habitats Regulations duty has not been discharged	Regulation 63(1A) now applies to Ramsar sites. No screening appears on the file.
7	The consultation is defective and the constraints record is wrong	A submitted document is missing from the register. Fifteen constraints on the parent permission, none here.
8	Matters of substance the drawing leaves unresolved	Cricket and football conflict, ball strike, surveillance, and the container store.

2. What has been submitted

The public register records two documents for this application: an application form marked REDACTED, and one drawing, SFRC-CF-ZZ-XX-DR-A-0510_7226 Site Plan-S3-P06. There are no recorded constraints and there has been no site notice, press advertisement or neighbour notification.

The drawing is a single 1:500 site plan on an aerial photographic base, prepared by Chaplin Farrant for Esquire Development Ltd, revision P06 of 14 July 2026. It shows two football pitches each 100 x 64 metres, a cricket square set between them, two tennis courts annotated only "asphalt and fencing", a plain rectangle labelled "club house", a "container store (10m x 6m)", a car park, a 600mm high timber post and rail fence to the western boundary, and a "proposed SUD's area" annotated "please refer to drainage design".

There are no elevations, no floor plans, no specifications, no dimensioned run-offs, no ball-stop fencing and no cricket nets shown anywhere on it.

3. Ground 1: the details deliver less than the facilities on which permission was granted

The APCM Recreation Ground is a playing field in use and a listed asset of community value. Its loss was found acceptable at appeal only because the Inspector was satisfied that Sport England's exception E4 was met. At paragraph 24 of the decision he recorded what is being lost:

The current APCM comprises football pitches, tennis courts, a cricket pitch and a pavilion and is an asset of community value.

At paragraph 25 he recorded what would replace it:

The proposed relocated sports ground would provide two football pitches, a cricket pitch, three tennis courts, three cricket nets and a new pavilion, housing two changing rooms. This would go over and above the existing facilities and provide a replacement of a higher standard than existing.

And at paragraph 31 he recorded the basis of Sport England's position:

However, Sport England advised that they did not wish to raise an objection to the application as it is considered capable of meeting exception 4 subject to further details and the imposition of conditions. Sport England have strict and clear guidance of what should be provided, and I am assured by their response that the provision of the replacement sports ground would meet their requirements in this instance and fall within exception E4 to provide a suitable replacement facility.

What is now proposed

The group does not rest this ground on its own reading of the drawing. The applicant states the position itself. The Planning Statement submitted with the reserved matters applications records that the existing APCM ground contains "2 playing pitches (one adult and one youth), 2 grass tennis courts and a pavilion", and that the replacement facilities:

have been designed in accordance with the relevant Football Foundation, England and Wales Cricket Board (ECB) and Lawn Tennis Association standards. The proposals comprise: 1 x adult football pitch; 1 x youth football pitch; 2 x tennis courts (hard surfaced); and 1 x cricket pitch with space for 8 wickets.

That list is exhaustive on its face. It contains no cricket nets and two tennis courts. It matches the site plan now before you under condition 41, which is labelled "tennis courts (x2)" and shows no nets.

Facility	Appeal decision, paragraph 25	Applicant's Planning Statement and drawing A-0510 P06
Football pitches	Two	Two, one adult and one youth, both 100 x 64 metres
Cricket pitch	One	One, with space for 8 wickets
Tennis courts	Three	Two, hard surfaced
Cricket nets	Three	None
Pavilion	A new pavilion housing two changing rooms	Designed on MC/26/1467 but not submitted with this application. See ground 2.

Why it matters

The group makes this point precisely, and no wider than it goes. On tennis courts alone, the applicant can argue that two hard courts replacing two grass courts is equivalent or better provision. The difficulty is that the Inspector did not accept exception E4 on the basis of bare equivalence. He accepted it because the package as a whole "would go over and above the existing facilities and provide a replacement of a higher standard than existing". Three courts, three nets and a new pavilion with two changing rooms was the package assessed, and it is the reason the loss of a protected playing field was found acceptable.

Policy HC7 of the National Planning Policy Framework, published on 17 August 2026, provides that development proposals should not result in the loss of existing open space, sports and recreational buildings and land, including playing fields, unless so far as relevant here:

b. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality, in a location which offers comparable or improved accessibility for the community it serves.

Exception E4 of Sport England's Playing Fields Policy and Guidance, which the Inspector quoted at footnote 12, requires replacement "of equivalent or better quality, and of equivalent or greater quantity, and in a suitable location, and subject to equivalent or better accessibility and management arrangements".

The Council cannot approve details which fall below the package on which the permission was granted without first satisfying itself, and recording, that exception E4 and policy HC7 are still met on the reduced provision. Nothing on this file addresses that question. The group asks the Council to put it to Sport England before it determines the application.

The group also notes that the Planning Statement asserts compliance with Football Foundation, ECB and Lawn Tennis Association standards. No dimensioned drawing, compliance statement or third party confirmation is provided in support of that assertion, on this application or on MC/26/1467. The group asks that the applicant be put to proof.

4. Ground 2: the pavilion detail required by condition 41 has not been submitted with this application

Condition 41 provides:

No development on the replacement playing field shall commence until details of the design and layout of pitches, courts, pavilion and all other facilities where further approval of detail is needed, have been submitted to and approved in writing by the local planning authority after consultation with Sport England. The Sports Hub shall not be constructed other than in accordance with the approved details.

The condition requires the design and layout of four things: pitches, courts, pavilion, and all other facilities where further approval of detail is needed. The pavilion is a separate item from the pitches and the courts.

The applicant has a pavilion design. It is drawing "Proposed Plans S3-P04", published on MC/26/1467 on 3 August 2026, which shows a 68 square metre club room, two players' changing rooms of 20 and 19 square metres, two lobby and WC areas, two shower areas, two officials' changing and shower rooms, an accessible WC, a kitchen and bar, plant, cleaner and store rooms, and a scorer's position with a view over the pitches. **That drawing forms no part of MC/26/1646.**

The application form for this application, at the box headed "Please provide a full description and/or list of the materials/details that are being submitted for approval", lists exactly two documents:

Cliffe Cover Letter Condition 41

SFRC-CF-ZZ-XX-DR-A-0510_7226 Site Plan-S3-P06

The pavilion element of the detail that condition 41 requires is therefore simply absent from the application. The Council has no power to approve details which have not been submitted to it, and it cannot discharge a condition in respect of a building whose design is not before it on that application. That the design exists elsewhere on the register does not cure the omission. It demonstrates that the omission was avoidable.

The same is true of the remaining limbs of the condition.

- The courts are annotated only "asphalt and fencing". There is no court dimension, no orientation note, no surface specification, no fence height and no reference to the LTA Court Dimensions Guidance which condition 39 expressly incorporates.
- There is no dimensioned run-off to the pitches, no ball-stop provision, and no demonstration of compliance with Sport England's Natural Turf for Sport, the FA Guide to Pitch and Goalpost Dimensions or the ECB guidance, all of which condition 39 expressly incorporates.

- Nothing at all is provided for "all other facilities where further approval of detail is needed". Car park surfacing, cycle parking, refuse storage, the container store, gates, fencing and boundary treatment are drawn but not specified.

There is a related point on condition 38, which requires the replacement pitches and courts, "with ancillary change/toilet facilities", to have been completed and made available for use before any development affecting the existing playing pitches and tennis courts is commenced. Since the pavilion drawing is not before you on this application, nothing on this file demonstrates that those ancillary facilities will be delivered.

5. Ground 3: the application trespasses on undetermined reserved matters

Condition 1, as amended by MC/24/0750, reserves the appearance, landscaping, layout and scale for each phase or sub-phase of the site. Reserved matters for the Sports Ground and Pavilion phase are before the Council in MC/26/1467, validated on 3 August 2026 and undetermined.

MC/26/1467 contains the same site plan, together with the pavilion plans, a design and access statement in two parts, a planning statement, a landscape and ecological management plan, proposed levels layouts for the sports pitch in four sheets, softscape plans, biodiversity net gain plans and vehicle tracking drawings. It attracted a site notice, four recorded constraints and twenty representations. MC/26/1646 contains one drawing, no constraints and no publicity.

It is MC/26/1467 which fixes the layout and scale of this provision, and it is to that layout that conditions 40 and 41 attach. The design and layout of the pavilion is quintessentially a matter of appearance and scale. Those are reserved matters. A condition cannot be used to approve what the permission reserves, and the Council cannot fix the layout of the sports ground under condition 41 while the layout of the same phase remains undetermined under condition 1.

There is a practical dimension. The Council's internal target date for MC/26/1646 is 23 October 2026, eleven days before its target date of 2 November 2026 for MC/26/1467. If this application is determined first, the substance of the reserved matters application will have been settled in a process with no site notice, no neighbour notification, no published supporting statement and no recorded constraints, while the reserved matters application remains open.

The group asks that MC/26/1646 to be held until MC/26/1467 has been determined, or that the two be reported together.

6. Ground 4: the consultation with Sport England required by condition 41 is not evidenced

Condition 41 permits approval only "after consultation with Sport England". Conditions 40, 42 and 43 are in the same terms. As at the date of this letter the public register discloses no consultee response from Sport England on this application, and none on MC/26/1467, on which forty-eight documents are now published. A response from Kent Police was published on the MC/26/1467 file on 17 August 2026, so the absence cannot be explained by the Council's publication practice.

That consultation is a precondition written into the condition itself. It does not depend on Sport England's statutory consultee status, and an approval given without it would be given in breach of the very condition the Council is purporting to discharge.

The group asks the Council to confirm in writing, and to place on the file before determination:

- whether Sport England has been consulted on MC/26/1646 and on MC/26/1467, on what date, and with which documents;

- whether Sport England has been told that the provision now proposed is two tennis courts and no cricket nets, when its non-objection in 2022 and the Inspector's paragraph 25 both proceeded on the basis of three of each; and
- if Sport England has not been consulted, how approval of this layout now would leave the conditions 40 and 41 consultations capable of producing a different outcome.

The group notes that Sport England suspended its pre-application advice service from 1 July 2026 because of capacity constraints. That is a reason to allow more time for a substantive response, not less.

7. Ground 5: the layout cannot be fixed before ground conditions and drainage are known

Condition 40 requires, before any development of the replacement pitches, a detailed assessment of ground conditions including drainage and topography, identifying constraints which could adversely affect playing field quality, together with any scheme needed to address them, all approved after consultation with Sport England. No application has been made to discharge condition 40.

Condition 32 concerns surface water drainage. The application to discharge it, MC/26/1459, was validated on 3 August 2026 and remains undetermined.

The drawing now submitted defers the point itself. The sustainable drainage feature in the south-east corner is annotated "proposed SUD's area, please refer to drainage design", and no drainage design accompanies this application.

The Council is therefore being asked to fix the design and layout of the pitches, courts and pavilion before it knows whether the ground can carry them, before it has approved any scheme to address ground constraints, and before it has approved the surface water strategy on which the drawing expressly relies. The drainage basin is drawn inside the cricket outfield. If the drainage design changes, the layout changes with it.

The group asks that condition 40 and MC/26/1459 be determined before this application is determined.

8. Ground 6: the Habitats Regulations duty has not been discharged

Part 1 of Schedule 5 to the Planning and Infrastructure Act 2025 amended the Conservation of Habitats and Species Regulations 2017 so as to extend their protection to Ramsar sites in England. It was commenced on 21 May 2026 by SI 2026/549. A new regulation 63(1A) requires a competent authority to make an appropriate assessment where a plan or project situated wholly in England is likely to have a significant effect on a Ramsar site, and regulation 63(5) is extended so that consent may be given only once the authority has ascertained that there will be no adverse effect on the integrity of the Ramsar site.

Regulation 4 of SI 2026/549 saves only projects authorised by a planning permission granted before 17 August 2020. This permission was granted on 28 November 2023, so the saving does not apply and the amended regime governs the decision now before you.

In *C G Fry & Son Ltd v Secretary of State for Housing, Communities and Local Government* [2025] UKSC 35 the Supreme Court held, at paragraph 56, that regulation 63:

would apply to a decision to give reserved matters approval or to discharge conditions attached to such an approval where that would result in authorisation for the project to proceed.

Condition 41 is a pre-commencement condition on the replacement playing field. Its discharge removes the legal impediment to that phase commencing, and it is therefore capable of being such a decision.

Separately, Annex 2 to the National Planning Policy Framework of August 2026 defines a habitats site as including listed Ramsar sites, and policy N6 provides that development proposals affecting a site of international importance should be refused unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the site, or the derogation tests are satisfied, or the impact is being addressed through a made Environmental Delivery Plan with a commitment to the nature restoration levy.

The appropriate assessment carried out for the 2023 appeal addressed recreational disturbance to the Thames Estuary and Marshes Special Protection Area and Ramsar site arising from the additional residential population, mitigated by the strategic access management and monitoring contribution. It did not address the replacement sports facility as a source of effect in its own right, and it did not address hydrological or water quality pathways from the sports ground.

There is no habitats screening of any kind on the file for this application. The group notes that the applicant's own Phase 2 geo-environmental investigation, submitted under MC/26/1542, records the Ramsar site 6 metres south and west, the SSSI 7 metres south and west, the Special Protection Area 7 metres south and west, a nitrate vulnerable zone on site, the nearest surface water feature 6 metres from Plot 1 and poor groundwater status, and concludes that shallow soakaways discharging into the Seaford Chalk Formation would not be a viable option for the disposal of surface water.

These are the matters raised in the group's Formal Representation of 9 August 2026, which has not been answered. The group asks the Council to record its regulation 63(1A) screening conclusion, and the objective information supporting it, on the public file before determining this application, and to link that representation to this file. For the avoidance of doubt, no argument is advanced in this objection under regulation 65 of those Regulations.

9. Ground 7: the consultation is defective and the constraints record is wrong

The application form lists a "Cliffe Cover Letter Condition 41" among the documents submitted for approval. It is not on the public register. The Council has chosen to consult on this application, with a standard consultation running to 24 September 2026, and its portal invites comments. A consultation on a case which the consultee cannot read is not a fair one. The group asks that the cover letter be published and that the twenty-one day period be restarted from the date of publication.

Separately, no constraints at all are recorded against this application. On the same land, the parent permission MC/22/0254 carries fifteen recorded constraints and MC/26/1467 carries four, including restricted byway RS87. The progression from fifteen to four to none, on identical land, is not explicable by anything on the ground. The Ramsar site, the Special Protection Area and the SSSI are recorded against none of them, notwithstanding the distances recorded in the applicant's own evidence. The group asks that the constraints record be corrected, because it is that record which drives internal consultation.

Finally, there has been no site notice, no press advertisement and no neighbour notification for an application which will settle the design of the facility replacing a listed asset of community value. The group asks the Council to exercise its discretion to publicise it.

10. Ground 8: matters of substance the drawing leaves unresolved

Cricket and football conflict

The cricket square sits directly between the two football pitches, abutting the touchline of each, and the cricket boundary and run-off lines cross both pitches. The drawing gives no dimension for the distance from the square

to the boundary, and none for the run-off to either pitch. Condition 39 expressly requires substantial accordance with the ECB Recommended Guidelines for the Construction and Maintenance of Pitches and Outfields.

ECB guidance for newly constructed grounds is a boundary of 50 yards, 45.72 metres, plus a safety margin of 3 yards, 2.74 metres, measured from the middle stump at each end. Scaling the submitted drawing against the stated 64 metre width of the adult pitch suggests a boundary in the order of 44 metres each side of the square. The group puts that forward as an indication only, because the drawing carries no dimensions and cannot properly be scaled. That is the point. Compliance with the guidance condition 39 incorporates is not demonstrated, and the group asks the Council to require dimensioned drawings and to obtain Sport England's view before determining the application.

There is a related point on quantity. Because the cricket outfield occupies both football pitches, cricket and football cannot be played at the same time. That bears on whether the replacement is of equivalent or greater quantity for the purposes of policy HC7 and exception E4.

Ball strike

The eastern touchline of the adult pitch sits close to the rear boundary of residential properties on Church Street. No ball-stop fencing is shown and no separation distance is dimensioned.

Security and natural surveillance

The western boundary treatment is a 600mm high timber post and rail fence. At paragraph 30 of the appeal decision the Inspector relied on the sports ground being:

located to the rear of a row of existing properties along Buttway Lane which would provide a suitable level of surveillance for those using the access and the facilities themselves.

Whether the layout now proposed delivers that surveillance, on a site reached by an unlit track and by restricted byway RS87, is precisely the kind of matter condition 41 exists to settle, and the drawing does not address it. The group asks that Kent Police's response to MC/26/1467 be taken into account on this application.

Capacity

Condition 44 prohibits external floodlighting and condition 45 limits external use to 09:00 to 20:00 Monday to Saturday and 09:00 to 18:00 on Sundays and public holidays. Without floodlighting, winter evening use of the replacement ground is not possible. That is a fixed feature of the permission, but it bears directly on whether the replacement is of equivalent or better quality.

The container store

A 10 metre by 6 metre shipping container is not, on any reading, part of a pavilion of a higher standard than the one being lost. If it is intended to substitute for storage within the pavilion, that should be stated and assessed.

11. There is no time pressure on the Council

To address any suggestion that this application must be determined quickly, the deemed discharge provisions in section 74A of the Town and Country Planning Act 1990 do not apply to it. Schedule 6 to the Town and Country Planning (Development Management Procedure) (England) Order 2015, at paragraph 2(1)(a), exempts a condition attached to the grant of planning permission where the development permitted is EIA development. MC/22/0254 is EIA development and was supported by an Environmental Statement.

The Council can therefore take the time needed to obtain Sport England's response, to secure proper drawings, and to determine this application alongside MC/26/1467.

12. What the group asks the Council to do

1. Refuse the application, for the reasons set out at section 13.
2. Alternatively, hold the application undetermined and require the applicant to submit the pavilion design, a specification of the courts, dimensioned pitch run-offs and ball-stop provision, and details of all other facilities for which further approval of detail is needed.
3. Publish the "Cliffe Cover Letter Condition 41" on the register and restart the consultation period from the date of publication.
4. Confirm in writing whether Sport England has been consulted, on what date and with which documents, put to it expressly that two tennis courts and no cricket nets are now proposed, and place its response on the file before determination.
5. Correct the constraints record for this application.
6. Record on the public file the Council's screening conclusion under regulation 63(1A) of the Conservation of Habitats and Species Regulations 2017, together with the objective information supporting it, and link the group's Formal Representation of 9 August 2026 to this file.
7. Determine condition 40 and MC/26/1459 before determining this application and determine this application alongside MC/26/1467.
8. Acknowledge receipt of this objection in writing, confirm that it has been placed on the file for MC/26/1646, and notify mycliffevillage@gmail.com on the day any decision is issued.

13. Suggested reasons for refusal

Offered so that the Council has wording available should it agree with this objection.

1. The details submitted are insufficient to discharge condition 41 of the permission granted on appeal under APP/A2280/W/22/3313673. The application contains no design of the pavilion, no specification of the courts, no dimensioned pitch run-offs and no details of the other facilities for which further approval of detail is needed, and the local planning authority is therefore unable to conclude that the design and layout of the pitches, courts, pavilion and other facilities would accord with the Sport England, FA, ECB and LTA technical design guidance required by condition 39.
2. The provision proposed comprises two tennis courts and no cricket nets and is therefore materially less than the replacement recorded at paragraph 25 of appeal decision APP/A2280/W/22/3313673, namely three tennis courts, three cricket nets and a new pavilion housing two changing rooms, which the Inspector found would go over and above the existing facilities. The local planning authority is unable to conclude that the loss of the APCM Recreation Ground would be replaced by equivalent or better provision in terms of quantity and quality, contrary to policy HC7 of the National Planning Policy Framework and to exception E4 of Sport England's Playing Fields Policy and Guidance, upon which the acceptability of that loss depended.
3. The design and layout of the Sports Ground and Pavilion phase are reserved matters under condition 1 of the permission and are the subject of undetermined application MC/26/1467. Approval of these details in advance of that determination would be premature and would pre-empt the determination of the reserved matters application.
4. The local planning authority is unable to demonstrate that it has consulted Sport England as condition 41 requires and has before it neither an assessment of ground conditions and drainage approved under

condition 40 nor an approved surface water drainage strategy under condition 32, upon which the submitted layout expressly relies.

14. Closing

The replacement sports ground is the single most important thing this village is being given in exchange for what it is losing. The Inspector was told it would be better than what exists and granted permission on that basis. Condition 41 is the mechanism by which that promise is either kept or quietly reduced. On the applicant's own documents, it would be reduced.

The group would be grateful for written acknowledgement that this objection has been placed on the file and asks to be notified of the decision.

Yours sincerely

Patricia Leslie (Chair)

For and on behalf of Cliffe and Cliffe Woods Residents Development Group
mycliffevillage@gmail.com

Documents referred to, all available to the Council on its own register: appeal decision APP/A2280/W/22/3313673; drawing SFRC-CF-ZZ-XX-DR-A-0510_7226 Site Plan-S3-P06 (MC/26/1646 and MC/26/1467); drawing Proposed Plans S3-P04 (MC/26/1467); Planning Statement (MC/26/1467); Phase 2 geo-environmental investigation (MC/26/1542); decision notice MC/24/0750; and the group's Formal Representation of 9 August 2026 (MC/26/1459, MC/26/1465, MC/26/1466 and MC/26/1467).

Copy: Cliffe and Cliffe Woods Parish Council; Cllr Gary Etheridge, Cllr Mrs Elizabeth Turpin and Cllr John Williams, Strood Rural ward.