

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

11 September 2026

Dear Ms Gunner

OBJECTION

Application MC/26/1719

Details pursuant to condition 15 (travel plan) on planning permission MC/22/0254 and appeal decision APP/A2280/W/22/3313673, 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 document submitted is, on its own face, a draft; because condition 15 requires a final plan for each phase and this one identifies no phase at all; and because it drops commitments made in the Framework Travel Plan that was appended to the section 106 agreement. 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 9 have been resolved.

This objection does not seek to reopen the principle of development, which was settled by the appeal decision of 28 November 2023. It is directed solely at whether the document now submitted is capable of discharging condition 15. It advances no argument under regulation 65 of the Conservation of Habitats and Species Regulations 2017. 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 on its objections of 9 September 2026 to MC/26/1720 to MC/26/1724.

1. Summary of the objection

	Ground	In short
1	The document is a draft, not a Final Detailed Travel Plan	The cover says "Draft", the pages carry a DRAFT watermark and the revision table calls it a "Final draft".
2	It identifies no phase, although condition 15 operates phase by phase	The approved phasing plan has three phases that will be occupied or used. The plan treats all 250 homes as one and says nothing about the community hub or the sports ground.
3	It is premature	Its layout is the subject of undetermined reserved matters. It describes the permission as "full". Condition 15 does not bite until first occupation.

	Ground	In short
4	It is weaker than the Framework Travel Plan	Ten commitments in the 2022 Framework Travel Plan, appended to the section 106 agreement, are missing.
5	Its targets and monitoring do not work	The baseline is 2011 data. The survey timetable contradicts itself and may fall outside the three-year period the plan itself quotes from the section 106 agreement.
6	Its content is unreliable	Road names, the planning status and the distances to facilities are wrong or unexplained. A covering letter listed on the form is not on the register.

2. What has been submitted

The public register records two documents: an application form marked REDACTED, signed by Mr James Daughtry of Esquire Developments Ltd on 4 September 2026, and a document by DHA titled “Land to the East and West of Church Street, Cliffe, Rochester – Travel Plan”, reference RS/GL/38392, September 2026, 26 pages.

The form answers “No” to the question whether the applicant seeks to discharge only part of a condition. The applicant therefore seeks to discharge condition 15 in full, for the whole development, with this one document. The form lists two items submitted for approval: the travel plan and a “Covering Letter – Condition 15”. No covering letter appears on the register.

Condition 15 of the appeal decision reads:

Prior to the first occupation of each phase or sub-phase, a Final Detailed Travel Plan encouraging sustainable forms of transport shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved travel plan shall be implemented thereafter.

At paragraph 67 of the decision the Inspector recorded that the section 106 agreement dated 2 June 2023 secures “the provision of a travel plan” and that “Appended to the agreement is a copy of the Framework Travel Plan”. That is the i-Transport Framework Travel Plan, reference ITB11092-006A, 25 February 2022, which is on the Council’s register for MC/22/0254 as appeal core document CD2-03.

3. Ground 1: the document is a draft

Condition 15 requires a “Final Detailed Travel Plan”. The document submitted is not that:

- its cover is marked “Draft” beneath the title;
- the word DRAFT is watermarked diagonally across its pages; and
- its revision table records version 1.0 as “First draft” on 26 August 2026 and version 1.1 as “Final draft” on 3 September 2026. There is no version recorded as final.

The Council cannot approve, as the plan whose measures “shall be implemented thereafter”, a document its own authors have not finalised. Once approved, it becomes the enforceable standard for the life of the development. That standard should not be a draft.

4. Ground 2: no phase is identified

Condition 15 is framed phase by phase: a plan is required “prior to the first occupation of each phase or sub-phase”. The phases are fixed. The Council approved the phasing plan under condition 5 on 11 June 2024 (MC/24/0801, drawing 21122-0321 rev 03). It sets out seven phases. Three of them contain the homes, the community hub and the sports ground:

Phase	Content, as recorded on the approved phasing plan
1b	Western residential parcel, circa 110 units, and the mixed-use community hub

Phase	Content, as recorded on the approved phasing plan
2b	Sports pitches (the replacement sports ground, reached from Buttway Lane)
3b	Eastern residential parcel, circa 140 units, with SuDS and play areas

The travel plan does not mention the phasing plan, does not say which phase it is for, and calculates trips for “250 units” (Table 3-1). Every measure in it is directed at residents. There is nothing on the community hub, which the phasing plan places in the first residential phase, and nothing on the replacement sports ground: no visitor or match-day travel, no parking management, no coach or minibus arrangements, and no targets.

That omission matters. As the group set out in its objection to MC/26/1722, the Buttway Lane access drawing is tracked for a refuse vehicle, a van and a large car, and notes that coach access would require the junction radii to change. How visiting teams and spectators will reach the ground is exactly the question a travel plan for that phase should answer.

A single plan submitted for full discharge, before any phase has reserved matters approval, and addressing only housing, cannot discharge a condition that requires a final detailed plan for each phase.

5. Ground 3: the application is premature

The plan opens, at paragraph 1.1.2, by stating that the site “benefits from full planning permission”. It does not. MC/22/0254 is an outline permission with all matters reserved except access. The reserved matters applications for housing, the community hub and the sports ground (MC/26/1465, MC/26/1466 and MC/26/1467) are undetermined.

The plan relies on a layout it does not identify. Figure 1-1 is captioned “Layout Plan (courtesy of Onarchitecture)”, with no drawing number or revision. The measures that most depend on layout, namely cycle parking “in close proximity to dwellings”, the internal footways and the links to the rights of way network, cannot be fixed until that layout is approved.

Nothing requires the Council to decide now. Condition 15 does not bite until first occupation of a phase, and it is not among the conditions that must be discharged before development begins. The deemed discharge provisions of section 74A of the Town and Country Planning Act 1990 do not apply: paragraph 2(1)(a) of Schedule 6 to the Development Management Procedure Order 2015 excludes conditions on EIA development, and MC/22/0254 is EIA development.

6. Ground 4: it is weaker than the Framework Travel Plan

The plan refers to the Framework Travel Plan by name and adopts its targets (paragraphs 3.3.1 and 3.3.4). The Framework Travel Plan said that it would “be worked up into a Full Travel Plan prior to occupation of the site” (paragraph 1.7.2). Worked up means more detail, not less. Comparing the two:

Framework Travel Plan, 25 February 2022	DHA plan, September 2026
A steering group of the developer, the Council and residents’ representatives, meeting every six months for the first two years (8.1.2)	No steering group
Personalised travel planning offered to all 250 households, described as “a commitment” (7.7.1), offered within three months of occupation (7.6.3)	Listed only as a possible mitigation measure if targets are still missed five years after full occupation (5.5.1)
A community travel website or social media group (7.5.5)	None
A bicycle user group, six months after occupation, and negotiated cycle shop discounts (7.2, Table 10.1)	None

Framework Travel Plan, 25 February 2022	DHA plan, September 2026
Improvements to Byway RS84 to encourage active travel to Cliffe Woods (6.1.2, Table 10.1)	Not mentioned
An east-west footpath and cycleway from Footpath RS58A to Byway RS84 (3.3.5)	Not listed
Sales-stage travel packs and sales staff briefed on the plan (7.5.3, Table 10.1)	None
Surveys by an independent fieldwork company (9.2.2)	Surveys commissioned by the coordinator; no independence
Residents' travel questionnaires annually for five years (Table 10.1)	Surveys at years 1, 3 and 5 after the baseline (Table 5-1)
Remedial measures funded by the developer (9.3.2); coordinator funded for the duration (8.5.1)	Further actions "subject to agreement with MC"; no funding commitment

The section 106 agreement was the means by which the Inspector was satisfied that a travel plan would be provided, and the Framework Travel Plan was appended to it. A final plan that falls below the framework should not be approved.

7. Ground 5: the targets and monitoring do not work

A fifteen-year-old baseline

The baseline mode share (Table 2-4) is the 2011 Census for the built-up area of Cliffe, copied unchanged from the 2022 framework. The plan does not use, or explain why it has not used, anything more recent.

A survey timetable that contradicts itself

The plan gives two different dates for the baseline survey on which every target depends:

- Table 5-1: "within the first three months of full occupation", and Table 5-2: "within three months of full occupation"; and
- paragraph 5.3.1: "within six months following 50% occupation".

A timetable that may run past the obligation it relies on

Footnote 1 of the plan quotes the section 106 agreement, Schedule 3, clause 2.1(c)(i), as requiring the owner "from the first Occupation of the Development to implement the Travel Plan for a period of three (3) years" and to "monitor and review the Travel Plan on an annual basis for a period of three (3) years". The group has not been able to read the scanned agreement on the register and relies on the plan's own quotation.

The Framework Travel Plan estimated completion "within five years of the first occupation" (paragraph 5.1.4). On that estimate a baseline taken three months after full occupation would fall about five years and three months after first occupation, more than two years after the three-year period in the agreement has ended. The monitoring would start after the obligation to monitor had expired.

Even on the other version, if occupation proceeds evenly on the same estimate, half occupation would be reached about two and a half years after first occupation and the baseline about three years after it, leaving no room within the three-year period for any follow-up survey.

A bus target with no bus measure

The plan sets a target to more than double bus use, from 2.4% to 5.4% by year 5 (Table 3-2). The only measure capable of delivering that is at paragraph 4.4.1: "In time, a bus strategy will be developed". It does not say who will develop it, by when, or with what money. The "financial contributions for sustainable transport improvements" it refers to are not identified.

Mitigation deferred past the life of the plan

Mitigation is considered only “if after five years following full occupation of the development, the target continues to be missed” (paragraph 5.5.1), and then only “subject to agreement with MC”.

8. Ground 6: the content is unreliable

- The main road through the village is called “the B200” three times (paragraphs 2.2.1 and 2.2.5). It is the B2000.
- Buttway Lane is described at paragraph 1.1.4 as “a private road that serves two consented developments”. The plan does not say what those developments are or on what basis the road is said to be private. The Council is asked to establish whether that is correct, since the sports ground is to be reached from it.
- Distances to local facilities (Table 2-3) are measured from “the centre of the site by Cliffe Play Area”, which puts the Premier store 10 metres away. That is a point in the existing village, not in either residential parcel. No distances are given from the homes to be built.
- Two of the plan’s headline measures are things the developer must do anyway: one active electric vehicle charging point per dwelling “in accordance with the Building Regulations (Part S)” (paragraph 4.5.1), and cycle parking to the Council’s parking standards (paragraph 4.3.1). Neither is additional to what the law and policy already require.

9. What the group asks the Council to do

1. Refuse the application, for the reasons set out at section 10.
2. Alternatively, hold the application undetermined and require the applicant to submit, for each phase and only once reserved matters for that phase are approved, a final plan that: names the phase; covers the community hub and the sports ground as well as the housing; includes every commitment in the Framework Travel Plan; and sets one monitoring timetable that operates within the period of the section 106 obligation.
3. Publish the “Covering Letter – Condition 15” listed on the application form, and restart the consultation period from the date it is published.
4. Confirm in writing what Schedule 3 of the section 106 agreement requires of the travel plan, and place on the file the response of the Council’s travel plan and highways officers.
5. Acknowledge receipt of this objection in writing, confirm that it has been placed on the file for MC/26/1719, and notify mycliffevillage@gmail.com on the day any decision is issued.

10. Suggested reasons for refusal

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

1. The document submitted is marked as a draft and is not a Final Detailed Travel Plan within the meaning of condition 15 of the permission granted on appeal under APP/A2280/W/22/3313673.
2. Condition 15 requires a Final Detailed Travel Plan prior to the first occupation of each phase or sub-phase. The submission does not identify any phase of the phasing plan approved under condition 5 (MC/24/0801), addresses residential trips only, and makes no provision for the mixed-use community hub or the replacement sports ground. The local planning authority is therefore unable to conclude that it would secure sustainable forms of transport for any phase of the development.
3. The submission omits measures set out in the Framework Travel Plan appended to the section 106 agreement dated 2 June 2023, including the steering group, personalised travel planning for all households, improvements to Byway RS84, independent monitoring and developer-funded remedial measures, and its monitoring timetable is internally inconsistent. It would not secure a travel plan of the standard on which the appeal was allowed.
4. The submission relies on a layout which is the subject of undetermined reserved matters applications MC/26/1465, MC/26/1466 and MC/26/1467. Approval in advance of those determinations would be premature.

11. Closing

A travel plan is the one document that says how 250 new households, a community hub and a sports ground will get to and from a village with one regular bus service. The Framework Travel Plan promised a steering group, personal travel advice for every household and independent monitoring. What has arrived is a draft with those promises removed, which would not start measuring anything until the obligation to measure has run out.

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

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Documents referred to, all available to the Council on its own register: appeal decision APP/A2280/W/22/3313673; section 106 agreement dated 2 June 2023 and Framework Travel Plan ITB11092-006A (MC/22/0254); decision notice and phasing plan 21122-0321 rev 03 (MC/24/0801); application form and Travel Plan RS/GL/38392 (MC/26/1719); the group's objection to MC/26/1722; and the group's Formal Representation of 9 August 2026.

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