



AGENDA

PLANNING APPLICATIONS COMMITTEE

Tuesday, 20th June, 2006, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **01622 694342**

Tea/Coffee will be available from 9:30 outside the meeting room

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Membership: To note the appointment of Mrs S V Hohler and Mr J F London in place of Mr G A Horne and Mr F Wood-Brignall
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 16 May 2006 (Pages 1 - 8)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/06/762 - Development of a fully enclosed composting facility within the confines of the previously excavated area at Blaise Farm Quarry, Offham, West Malling; New Earth Solutions Ltd. (Pages 9 - 42)
2. Application AS/06/243 - New tertiary wastewater treatment facilities and new sludge digestion and drying facilities built alongside the existing treatment facilities at Ashford WWTW and Sludge Recycling Centre, Canterbury Road, Ashford; Southern Water Services Ltd. (Pages 43 - 60)
3. Application CA/06/523 - Application for a Certificate of Lawfulness for an existing use for a concrete and skip business and sorting, separation and re-use of inert and semi-inert waste materials, with associated storage, plant, machinery and parking at Kemberland Wood, Fox Hill, Herne Bay Road, Sturry; M Thomas. (Pages 61 - 66)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal SH/06/408 - New 0.5 FE primary school for Seabrook CE Primary School with associated playing field, parking and turning facilities, access road and new level games pitch at Land off Eversley Road, Seabrook, Hythe; KCC Children, Families and Education. (Pages 67 - 90)

2. Proposal TH/25/904 - Provision of a new strategic dual carriageway and associated works (East Kent Access Phase 2) at Minster, Cliffsend and Richborough; KCC Highways. (Pages 91 - 136)
3. Proposal CA/06/1364 - New two storey teaching block, increased parking provision, replacement and additional playground areas and removal of existing mobile classroom at Reculver CE Primary School, Hillborough, Herne Bay; KCC Children, Families and Education. (Pages 137 - 148)
4. Proposal CA/06/469 - Single storey nursery building on land at rear of the existing school building at Herne Bay Infant School, Stanley Road, Herne Bay, Governors of Herne Bay Infant School and KCC Children, Families and Education. (Pages 149 - 158)

E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Detailed submissions under Channel Tunnel Rail Link Act 1996 (None)
5. Screening opinions under Environmental Impact Assessment Regulations 1999
6. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)

Monday, 12 June 2006

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 16 May 2006.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr A R Chell (substitute for Mrs V J Dagger), Mr J A Davies, Mr J B O Fullarton, Mr T Gates, Mrs E Green, Mr S J G Koowaree, Mr T A Maddison, Mr R F Manning, Mr R A Marsh, Mr J I Muckle, Mr W V Newman, Mr A R Poole, Ms B J Simpson, Mrs P A V Stockell, Mr R Tolputt (substitute for Mr G A Horne) and Mr F Wood-Brignall.

OTHER MEMBERS: Mr A D Crowther, Mrs V J Dagger, Mr D S Daley and Mr M J Fittock.

OFFICERS: The Head of Planning Applications Group, Mr B J Murphy (with Mr J Crossley and Mrs A Hopkins); the Transportation Manager, Mr R Dines; and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

30. Minutes
(Item A2)

RESOLVED that the Minutes of the meeting held on 11 April 2006 are correctly recorded and that they be signed by the Chairman.

31. Site Meetings and Other Meetings
(Item A3)

The Committee agreed to visit Blaise Farm, Offham on Thursday, 8 June 2006 and Conways Waste Facility, Dartford on Tuesday, 20 June 2006.

32. Planning Applications Group Business Plan
(Item B1 – Report by Head of Planning Applications Group)

RESOLVED that the report be endorsed

33. Application SH/05/53/R2 & R5 – Details submitted pursuant to Condition 5 of Permission SH/05/53: Code of Construction Practice which refers to the matters that are required to be covered, details of the mitigation and management of construction at New Romney and Greatstone-on-Sea Waste Water Treatment Scheme; Southern Water
(Item C1 – Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group reported the receipt of correspondence from Lydd Town Council raising no objection to the application.

(2) Correspondence from New Romney Town Council raising no objection to the application was tabled.

(3) Mr J Mott, a local resident spoke in opposition to the application. Mr R Tedman from Four Delivery spoke in reply.

(4) RESOLVED that:-

- (a) approval be given to the proposed amendments to the Construction and Traffic Management Plan subject to conditions including the submission of a highway condition survey; the full reinstatement of the highway should damage occur during construction; maintaining accessibility to Public Rights of Way at all times; and all other details within the Code of Construction Practice remaining the same; and
- (b) the applicant be advised that all staff working on site must be made aware of the importance and fragility of the adjoining designated site to ensure that accidental damage does not occur and that road closures should only be used as a last resort.

34. Application TM/03/2563 – Development of new factory to manufacture aerated concrete products with outside storage, parking, new access and associated facilities at Ightham Sandpit, Borough Green Road, Ightham, Sevenoaks
(Item C2 – Report by Head of Planning Applications Group)

(Mrs V J Dagger was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)

(1) The Chairman vacated the Chair for this item and left the Chamber on the grounds that he had on many occasions in the past expressed his views on the Borough Green Bypass. Mr A R Bassam chaired this item in his absence.

(2) The following correspondence was tabled: letters of support from Mrs S Murray, Mr D Evans, Borough Green Traffic Action Group, Mr G Darby, Mr R Poulter, Platt Parish Council, Mrs S Martin, Mr C Willsher, Mr J McWilliam, Mr and Mrs C Brown, Mr A Sayer, Mr and Mrs S Rayner; letters of opposition from Mr M Coffin, Mr P Gillin, Mrs G Bowden, Mr D Elvidge; correspondence from the applicants, H & H Celcon and their Planning Consultants, Barton Willmore.

(3) The Head of Planning Applications Group reported further correspondence from English Nature confirming that discussions and surveys relating to Refusal ground (v) on page C2.10 of the report were ongoing.

(4) The Head of Planning Applications Group informed the Committee that Tonbridge & Malling Borough Council had stressed that the comments attributed to their Head of Development Control were inaccurate and that the Borough Council's view on the application remained as stated.

(5) The following people addressed the Committee:-

- (a) Mr M Taylor and Mr J McWilliam from Borough Green Action Group (in support);
- (b) Mr P Gillin from Keep Boroughs Green (in opposition);
- (c) Mr R Searle from Platt Parish Council (in support);
- (d) Mr H Rayner from Wrotham Parish Council (in opposition);
- (e) Mr C Willsher from Borough Green Parish Council (in support);
- (f) Mrs G Bowden from Ightham Parish Council (in opposition); and
- (g) Mr S Brittle from H & H Celcon (in reply).

16 May 2006

(6) Mr A R Chell moved, seconded by Mr R Tolputt that the recommendation contained in paragraphs 36 to 39 of the report be agreed.

Lost 12 votes to 4

(7) The Head of Planning Applications Group recommended to the Committee that if it was minded to approve the application it should do so subject to the caveats and conditions set out in (9) below.

(8) Mr J I Muckle moved, seconded by Mr J A Davies the motion set out in (9) below.

Carried 12 votes to 4.

(9) RESOLVED that for the reasons set out in (e) below the application be referred to the Secretary of State as a departure from the Development Plan and that, subject to her giving no direction to the contrary, permission be granted to the application subject to, inter alia:-

- (a) prior completion of a tripartite section 106 Agreement to make provision for:-
 - (i) H & H Celcon funding and, in conjunction with CEMEX , making available land to enable completion of the Borough Green and Platt Bypass prior to the opening of the new factory;
 - (ii) improvement works to the White Hill roundabout;
 - (iii) various improvements on the A227 to improve road safety at Wrotham School (specifically movement of a pedestrian crossing);
 - (iv) traffic calming measures on the A25 between Dark Hill roundabout and the A25/A20 junction (to be agreed in consultation with the Divisional Transportation Manager);
 - (v) H & H Celcon meeting KCC's reasonable legal costs associated with the agreement;
- (b) the applicants providing within three months (or such longer period as may be agreed) of this Committee meeting further details to address the following outstanding matters: landscaping; ecology; groundwater; noise; and any other matters that may arise, to the satisfaction of the Head of Planning Applications Group;
- (c) the imposition of appropriate conditions including amongst other matters those covering areas recommended by Tonbridge & Malling Borough Council to control the day-to-day operation of the site, restoration works and other environment controls and in relation to the details submitted pursuant to (b) above. These include a grampian condition requiring the prior completion of the Borough Green Bypass before the opening of the new factory;
- (d) the Head of Planning Applications Group be given delegated authority to determine whether any of the matters set out in (c) above are more correctly covered by way of legal agreement as opposed to conditions, including any further matters which may need to be conditioned following further discussions with the applicant; and
- (e) the very special circumstances that exist to override the presumption against inappropriate development include:-

- (i) the landscape character and nature of land at this particular location does not contribute to AONB designation;
- (ii) land at the bottom of the Downs Escarpment has a legacy of industrial development associated with mineral working, paper manufacture and associated industry – this land is located on the periphery of this zone. From within the better parts of the AONB and the higher ground, the impact of the development would not be highly visible;
- (iii) the proposed development would generate significant employment (during construction and ongoing) which would add to the vibrancy of a sustainable local community and reduce reliance on out-commuting from the County;
- (iv) the provision of funding for the construction of the remainder of the Borough Green and Platt Bypass via a Section 106 Agreement would provide significant environmental and quality of life benefits to a large number of residents within Borough Green and Platt; and
- (v) the offer by the Applicants to fund the completion of the Borough Green and Platt Bypass represents the only realistic possibility of being able to secure the complete funding (via developer contributions) in accordance with emerging Policy TP7 of the Kent and Medway Structure Plan.

35. Applications TM/06/806 and MA/06/457 – Continuation of development without compliance with Condition 5 of Permissions TM/98/1428 and MA/98/1212 and submission of details pursuant to Conditions 3,11 and 13 in respect of minor amendments to the approved plant site layout, amendment to the phasing of landscaping, and relaxation of the requirement for the full implementation of the approved landscaping and restoration scheme prior to the importation of waste materials at Allington Quarry, Laverstoke Road, Allington, Maidstone; Kent Enviropower Ltd
(Item C3 – Report by Head of Planning Applications Group)

- (1) The Head of Planning Application Group reported that Mid Kent Water had withdrawn its objection to the application.
- (2) RESOLVED that:-
 - (a) approval be given to the details submitted pursuant to Conditions 3, 11 and 13 of Permissions TM/98/1428 and MA/98/1212 for amendments to the approved plant site layout; phasing of the approved landscaping and restoration scheme; and the relaxation of the requirement for its full implementation prior to the importation of waste to the site; and
 - (b) permission be granted to Applications TM/06/806 and MA/06/357 for the continuation of the development without complying with Condition 5 of Permissions TM/98/1428 & MA/98/1212.

36. Proposal MA/06/118 – Construction of all weather football pitch with associated fencing and floodlighting at Maplesden Noakes School, Buckland Road, Maidstone; Governors of Maplesden Noakes School and KCC Children, Families and Education

(Item D1 – Report by Head of Planning Applications Group)

(Mr D S Daley was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)

- (1) The Head of Planning Applications Group reported the views of Mr J Curwood (one of the two local Members) supporting the proposed development.
- (2) Mrs D Goacher and Dr J White addressed the Committee in opposition to the proposal. Mr J Matthews from GDM spoke in reply.
- (3) Mr T A Maddison moved, seconded by Mr A R Poole that the recommendations of the Head of Planning Application Group in paragraphs 36 and 37 of the report be agreed subject to the hours of use set out in (4) below.

Carried unanimously

(4) RESOLVED that:

- (a) permission be granted to the proposal subject to conditions including the development being carried out strictly in accordance with the approved plans; the submission and implementation of a landscaping scheme; the hours of use of the pitch and floodlights being limited to 0800 to 2130 on weekdays, 0900 to 1800 on Saturdays and 0930 to 1400 on Sundays and Bank Holidays; the floodlights being extinguished when not required for all or part of the pitch and operated at the proposed Lux level at all times; an archaeological watching brief being carried out prior to commencement of operations; and details of surface materials for the proposed pitch being submitted prior to work being commenced; and
- (b) the applicant be informed of the need to ensure that the existing drainage systems are well maintained and of sufficient capacity to cope with any additional flow or loading that may occur as a result of this proposal.

37. Proposal TW/06/365 – Demolition of part of E Block and construction of a multi-purpose hall with associated changing accommodation and 1st floor classroom, alteration to existing car park, creation of bus turning point and temporary site access at Mascalls School, Maidstone Road, Paddock Wood; Governors of Mascalls School and KCC Children, Families and Education

(Item D2 – Report by Head of Planning Applications Group)

RESOLVED that subject to the further views of the Environment Agency and the submission of additional drawings regarding the temporary access, permission be granted to the proposal subject to conditions including the standard time condition; the development being carried out in accordance with the approved plans; the submission and prior approval of samples of external materials; the submission of a landscaping scheme prior to commencement of the development; the installation of signs to warn of the construction access; and controls over hours of use of the construction access and delivery of materials.

- 38. Proposal DA/05/768 – Two storey extension to existing school building comprising facing brick external walls and pitched tiled roof to match the existing roof and provision of additional classroom facilities. Internal rationalisation of existing building and external ramparts to improve DDA provisions at Sedley’s CE Primary School, Church Street, Southfleet; KCC Children, Families and Education**

(Item D3 – Report by Head of Planning Applications Group)

RESOLVED that permission be granted to the proposal subject to conditions including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; external materials being submitted for approval; details of joinery being submitted for approval; hours of working during construction; recommendations of the protected species survey being followed; a programme of archaeological work and building recording; sheds being removed upon completion of the of the extension; and details of reinstatement boundary treatment.

- 39. Proposal SW/06/218 – Retrospective application for the installation of CCTV poles and cameras at Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness; Governors of Minster-in-Sheppey Primary School and KCC Children, Families and Education**

(Item D4 – Report by Head of Planning Applications Group)

(Mr A D Crowther was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)

(1) Mr E Birchmore, a local resident addressed the Committee in opposition to the proposal. Mrs G Williams, Chairman of Governors of Minster-in Sheppey Primary School spoke in reply.

(2) RESOLVED that permission be granted to the proposal subject to a condition requiring that the cameras will only be repositioned with the written approval of the County Planning Authority.

- 40. Proposal SW/06/351 – Retrospective application for the levelling of existing school playing field at Minster-in-Sheppey Primary School, Brecon Chase, Minster-on-Sea, Sheerness; Governors of Minster-in-Sheppey Primary School and KCC Children, Families and Education**

(Item D5 – Report by Head of Planning Applications Group)

(Mr A D Crowther was present for this item pursuant to Committee Procedure Rule 2.24 and spoke)

(1) Mr E Birchmore, a local resident addressed the Committee in opposition to the proposal. Mrs G Williams, Chairman of Governors of Minster-in Sheppey Primary School spoke in reply.

(2) In agreeing to the Head of Planning Applications Group’s recommendations, the Committee stressed that the boundary scheme should comprise a hedge with mature plants.

(3) RESOLVED that permission be granted to the proposal subject to the imposition of conditions, including the submission of a landscaping and boundary scheme (to comprise a hedge with mature plants); and the timing of community use.

41. Proposal SE/03/2186/R7 – Details of external lighting pursuant to Condition 7 of Permission SE/03/2186 for a new arts and media centre, additional car parking, bus and drop off laybys at Hextable School, Egerton Avenue, Hextable; Governors of Hextable School and KCC Children, Families and Education

(Item D6 – Report by Head of Planning Applications Group)

- (1) Mr T A Maddison made a declaration of personal interest as a friend of one of the objectors and took no part in the debate or the decision.
- (2) The Head of Planning Applications Group reported the views of Mr M J Fittock, the local Member.
- (3) Miss N Avis, a local resident addressed the Committee in opposition to the proposal. Mr R Whistler, Principal of Hextable Dance spoke in reply.
- (4) RESOLVED that the details of the external lighting be approved as amended and amplified in the report.

42. County Matters Dealt with under Delegated Powers

(Items E1-6 – Reports by Head of Planning Applications Group)

RESOLVED to note reports on items dealt with under delegated powers since the last meeting relating to:-

- (a) County Matters applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) detailed submissions under the Channel Tunnel Rail Link Act 1996 (None);
- (e) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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SECTION C
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposals dossier for each case and also as might be additionally indicated.

Item C1

Application for development of a fully enclosed composting facility within confines of the previously excavated area at Blaise Farm Quarry, West Malling, Kent – TM/06/762

A report by Head of Planning Applications Unit to Planning Applications Committee on 20 June 2006.

Application by New Earth Solutions Ltd for development of a fully enclosed composting facility within confines of the previously excavated area at Blaise Farm Quarry, West Malling, Kent.

Recommendation: Subject to no direction from the Secretary of State, Permission be Granted subject to Legal Agreement and Conditions.

Local Members: Mrs S Hohler, Mrs T Dean and Mr R Long

Unrestricted

Site description and background

1. Blaise Farm Quarry (some 116 hectares) is located to the south of the village of Offham and to the west of the A228 and the residential area of Kings Hill. The quarry site is bounded to the east, south and west by woodland. The site is served by a purpose built surfaced access road onto the A228 West Malling roundabout located near Kings Hill. The site offices, weighbridge and parking facilities, etc, relating to the quarry, are located approximately 600 metres from the roundabout and are surrounded by woodland.
2. A number of planning permissions are of particular relevance to the application:-
 - (a) Planning permission TM/88/1002 was granted for the winning and working of some 57 million tonnes of ragstone from four phases over a 62-year period in January 1994. Of this total, 34 million tonnes would be marketable and the rest (40%) quarry waste. Anticipated production was estimated to be 550,000 tonnes per annum (tpa) generating an average of some 230 HGV movements per day. The permitted hours of operation were 0700 to 1800 on Mondays to Fridays and 0700 to 1300 on Saturdays. Upon completion of ragstone extraction within each phase restoration will be back to agriculture at a lower level using only 'in-situ' materials. Quarrying has been undertaken in the north east part of the Quarry (phase 1) and, with the exception of areas in the south east which are used for storage of topsoil, subsoil, hassock and overburden, and the soil blending area in the centre of the site (see below), the rest of the site is still in agricultural use.

Item C1

Application for development of a fully enclosed composting facility within confines of the previously excavated area at Blaise Farm Quarry, West Malling, Kent – TM/06/762

Application for development of a fully enclosed composting facility within confines of the previously excavated area at Blaise Farm Quarry, West Malling, Kent – TM/06/762

- (b) Planning permission TM/01/3039 was granted for the siting of a facility to manufacture and store soils utilising imported compost and in-situ overburden for a 25-year period near the centre of the site in January 2002. The permission, which has not been implemented, originally contained a condition that restricted all vehicle movements to and from the Quarry (both from quarrying and soil blending operations) to 230 movements each day. This was amended in July 2002 to allow a combined total of 86 HGV movements (43 in and 43 out) associated with all activities at Blaise Farm Quarry to enter or leave the site during each of the peak hours of 0800 to 0900 and 1700 to 1800 Monday to Friday. It also contained a specific limit on vehicles associated with the soil blending to a daily average of 46 (23 in and 23 out) in any one working year.
 - (c) Planning permission for the dualling of the West Malling by-pass and by-passing of Leybourne Way (to the north of Blaise Farm Quarry) was granted on 28 January 2003. The development is in the process of being implemented and is expected to be completed during Autumn 2006.
 - (d) Planning permission TM/03/1155 was granted for the use of land and erection of buildings near the centre of the quarry on land currently in agricultural use for the composting of up to 50,000 tonnes per annum (tpa) of green waste and green/garden, food, vegetable, cardboard (GFVC) waste in January 2005 following completion of a Section 106 (legal) Agreement. The Section 106 Agreement restricted the sources of waste to those Districts proposed (i.e. Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks) and secured appropriate vehicle routing (to avoid Offham, West Malling and Mereworth), the establishment of a local liaison group and the creation of a new public footpath across the quarry on completion of mineral working. The permission, which has not been implemented, contains conditions restricting, amongst other matters, duration (15 years temporary permission), waste sources (as in the Section 106 Agreement), annual capacity (20,000tpa green waste and 30,000tpa GFVC waste), HGV movements (maximum 78 movements in any day and combined peak hour movements as (b) above) and hours of operation.
3. Blaise Farm Quarry lies within the Metropolitan Green Belt and a Special Landscape Area as identified in the Tonbridge and Malling Borough Local Plan (December 1998). The application site incorporates the existing access to the quarry from its junction with the A228 (roundabout), the existing quarry offices, weighbridge, wheel wash and associated facilities and the existing "L" shaped quarry void (the majority of the Phase 1 working area) which lies in the north east corner of the permitted mineral working area. The remains of the Chapel of St Blaise (Scheduled Ancient Monument) lie about 100m to the north of the application site. The access road passes through, and the site borders, areas of ancient woodland that are designated Sites of Nature Conservation Importance (SNCI).
4. The proposed composting facility would occupy the whole of the current quarry void which is about 15 to 20m lower than adjacent ground with steep almost vertical sides. The quarry void is bounded to the east / part south by St Leonard's Wood, to the north by farmland and recent planting associated with the quarry and to the west / part south

Application for development of a fully enclosed composting facility within confines of the previously excavated area at Blaise Farm Quarry, West Malling, Kent – TM/06/762

by the unexcavated part of the quarry. A public right of way (Footpath MR286) lies about 130m to the west of the application site but would be unaffected by the proposals. The right of way is due to be diverted around the western boundary of the mineral site as part of the ongoing mineral operation. The proposed facility is about 500m from the nearest residential property at Blaise Farm House (to the north west).

The Proposal

5. The proposal is for the development of a fully enclosed composting facility with a capacity of up to 50,000tpa within the confines of the existing quarry void at Blaise Farm Quarry, West Malling. Compost would be produced mainly from biodegradable materials comprising paper, card, food, vegetable and garden waste delivered by Waste Collection Authorities in Kent collected from household kerbside collection schemes and from Household Waste Recycling Centres (HWRCs). The facility could also accept business waste from within Kent. The applicant (New Earth Solutions Ltd) intends to purchase the freehold of the existing quarry void from the current owner (Hanson) and acquire rights to use the existing quarry access.
6. The applicant has been awarded a 15 year composting contract by KCC, which could be extended by 5 years, to process up to 25,000tpa of waste derived from Tonbridge and Malling and Tunbridge Wells. The application therefore seeks planning permission for a 20 year temporary period.
7. The proposals would require the existing quarry void to be remodelled to accommodate the development and provide a continuous gradual fall with levels from 77m AOD in the south to 72m AOD to the north. This would result in the quarry depth after levelling varying between 23m at the southern end where existing unexcavated ground levels are 100m AOD and 18m at the northern end where existing ground levels are 90m AOD.
8. The proposals include buildings with a gross floor area of 24,153m³. These comprise weighbridge office, waste reception and preparation building, composting process buildings (x3), compost screening buildings (x2), compost maturation buildings (x3), turner workshop and washdown building and process and monitoring control building. The buildings would vary in height from 10m to 3m. The main buildings would be of steel clad portal frame construction and have goose grey coloured walls and roofs. Building floor slabs would be of reinforced steel concrete. Access to the facility would be via the existing purpose built quarry access from the A228.
9. The composting process would utilise the applicant's fully enclosed dynamic housed windrow system which is compliant with the Animal By-Products Regulations (ABPR). This creates optimum composting conditions and enables noise, odour, dust and bio-aerosol emissions to be controlled. The system has been utilised at the applicant's facility at Poole since June 2003.
10. Incoming materials would be weighed, assessed against acceptance criteria and, if acceptable, tipped within the reception building having passed through an 'air lock' system. This building would have rapid rise doors with strip curtain protection to contain odour and dust egress. Materials would be sorted by wheeled loader and

Application for development of a fully enclosed composting facility within confines of the previously excavated area at Blaise Farm Quarry, West Malling, Kent – TM/06/762

placed in temporary storage bunkers to await processing. Odour and dust control is provided by units which extract air through a biofilter. Materials are then shredded and screened for size and blended as necessary to ensure a suitable mix and passed via a sealed conveyor to a composting hall. Unsuitable and reject material would be placed in bays prior to removal from the site. The digestion process would take place in a composting hall which would be subdivided by internal walls to enable batches to be separated. Steel plate push walls would act as containment along the internal walls and a sealed concrete floor with perimeter kerbs would prevent ingress or egress of surface water. Incoming material would be placed by wheeled loader into a windrow over an aerated floor (a duct that also acts also as a drain). Air would then be sucked from the composting hall through the windrow and expelled via condensation traps through a biofilter to remove odour and bio-aerosols. The system would be automatically monitored and controlled by computer from the control building. This would also control windrow irrigation sprays. Liquids passing through the windrows would be collected via the ducts to tanks for re-use or disposal. The windrows would be turned regularly using a purpose built machine to invert the material (including base layer) and ensure effective mixing. During these turning periods, air would be transferred within the composting hall to ventilate the area affected. After two digestion stages (about 28 days) compost would be transferred to a screening building to remove oversize material and then moved by wheeled loader to a maturation building. Any oversize material would be returned to the reception building for re-blending with fresh material. In the maturation building, compost would be placed in bays with aerated floor ducts and turned regularly to ensure the product is homogenised and matured uniformly. When mature the material would be moved off site. The screening building would be enclosed on all sides with doors to enable vehicle entry. The maturation building would have a gale breaker front to allow air circulation and be connected to the bio-filter.

11. The applicant proposes that the compost produced would be used in a variety of beneficial ways and the following potential markets have been identified: agriculture (soil amendment and seedbed preparation); horticulture (in the production of fruit and vegetable crops); soil blending (with quarry overburden or soils recovered from construction waste recycling); landscaping and grounds maintenance; the general public (although not available to the public at the site); and bio-mass and bio-fuel crop production.
12. The applicant states that waste would be delivered to the site Monday to Saturday in HGVs. All waste would be delivered under contract and volumes are expected to vary considerably during different parts of the year. Overall HGV movements associated with the delivery of waste and export of compost would be 14,208 per year averaging 44 movements (22 in and 22 out) per day with a maximum of 76 movements per day (38 in and 38 out) anticipated in May and a minimum of 16 movements per day (8 in and 8 out) in January. In addition, there could be a further 2 HGV movements (1 in and 1 out) every two days to dispose of contaminated materials and 4 articulated 20 tonne tanker movements (2 in and 2 out) each day to dispose of foul water during peak periods (*worst case*). It also estimates that the 6 employees and visitors will generate about 16 private vehicle movements per day and that one person will need to visit the site on Sundays (generating 2 private vehicle movements). Total private vehicle movements would be about 4800 annually. Parking is proposed for 10 private

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cars and 5 HGVs.

13. It is proposed that surface water from the site (including roofs) would drain by a series of drains and pipes to a large lake at the bottom of the site which would act as a large soakaway into the permeable Hythe Beds. Any surface water from roads or hardstandings would use a separate drainage system and pass through a petrol and oil interceptor before discharging to the lake. The lake would be designed to facilitate de-silting operations. The entire facility would be designed (with liner membrane) to ensure that there is no discharge of liquids to ground. Foul water would go to a septic tank and the outfall either incorporated into the composting water treatment system or tankered off site. Fuels would be stored and transferred in accordance with Environment Agency requirements. Mains water would be used for domestic needs and the initial processing, however, subsequent processing would rely on water collected from within the site and recycled water (where possible).
14. The applicant proposes that the composting process would operate continuously with a member of staff on call 24 hours a day. It also proposes that waste deliveries would take place between 0700 and 1800 on Mondays and Fridays and 0700 to 1300 on Saturdays except for the months of April to June (inclusive) and on any Saturday immediately following a Bank or Public Holiday for the rest of the year when waste may be delivered between 0700 and 1730. It is proposed that operations employing plant and vehicles for handling and screening compost would be restricted to the same times as deliveries and that turning operations would be permitted to take place on any day between 0700 and 1800 hours to maintain aerobic conditions and time temperature profiles required under the ABPR. It is proposed that lighting would be designed to reduce impact on the rural area (e.g. use of downlight reflectors) and only be used during normal operating hours. The application proposes that the composting facility may use the existing quarry weighbridge whilst quarrying is suspended, although a new weighbridge is also proposed within the new development.
15. The application is accompanied by a supporting statement, together with reports on noise, odour / bioaerosols, traffic impact, alternative sites and landscape / visual impact. Amongst other things, these conclude that:-
 - the proposals would not affect the amenity of the surrounding residential properties due to noise;
 - no harm would be caused to sensitive receptors by odour or bioaerosols;
 - the immediate traffic impact at the Kings Hill roundabout at the site access would be insignificant and that HGV movements would not result in any undue impact in terms of safety;
 - that the proposed location would meet the proximity principle serving 9 Districts (including Medway) in north, west and mid Kent with a combined population of 1.1 million;
 - of the 4 District areas considered (Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks), only 3 locations offer practical opportunities for development of the proposed facility based on the criteria used for assessment (i.e. Blaise Farm Quarry, Wealdon Granary and Fishponds Farm); and
 - the proposed development would not be visible from any houses or footpaths other than limited glimpsed views of the roof of the maturation building from the footpath

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near the existing disused farm buildings (this would not occur once the footpath is diverted as part of mineral working) and would have less impact than the permitted composting facility (due to the location in the quarry void and since there would be no need for major engineering works to screen the site).

16. The applicant states that the following very special circumstances justify granting planning permission in the Green Belt:-
- a clearly defined need for the facility;
 - the site location accords with the proximity principle;
 - the absence of alternative sites in urban areas and non-Green Belt locations;
 - the quarry void is previously developed land and there would therefore be no encroachment in the Green Belt;
 - there would be no impact on openness of the Green Belt;
 - Government policy supports composting to achieve diversion of biodegradable waste from landfill;
 - South East Regional Planning Guidance accepts that the Green Belt may have to accommodate waste management facilities; and
 - none of the 5 purposes of the Green Belt would be compromised by the proposal.
17. In May 2006, the applicant submitted two alternative restoration proposals (options) designed to take account of potential future scenarios for Blaise Farm Quarry: (A) no further quarrying takes place; and (B) quarrying activities continue. These were subject to minor amendment / clarification (*also in May*). Both options would involve the site being restored for nature conservation use, following removal of the facility and associated structures and hardstandings after 20 years, with the proposed lagoon retained as a water catchment area for the Phase 1 quarry area. Option A would involve the use of 400,000m³ of restoration materials currently being stored as part of the mineral permission in the south west corner of Blaise Farm Quarry. The majority of the material would be used to marry with existing unexcavated levels on the western and southern boundaries and these slopes would be planted with woodland in accordance with the existing approved restoration scheme. Much of the northern and eastern quarry faces would be left with steep sides and the remaining part of the area of the composting facility would be restored at low level using 1 to 2m of overburden and subsoil. Option B would involve the use of 120,000m³ of restoration materials from stockpiles (as required) to restore the area with a 2m depth of overburden and subsoils and marry with final restoration contours approved under the terms of the mineral permission. Further detail is not possible at this stage due to uncertainties about exactly how the next phases of quarrying and restoration will progress (*these matters would be addressed as part of the next 5-year quarry plan required pursuant to the mineral permission*). The amount of woodland planting would be less than Option A. The applicant states that the habitats created for both options would fulfil some of the objectives of the Kent Biodiversity Action Plan.
18. A site location plan is included on page C1.2. Drawings showing the relationship with quarrying phases and the permitted composting facility (Appendix 1) and proposed site layout and restoration Option B (Appendix 2) are appended. A Planning Applications Committee Members' Site Visit took place on 8 June 2006. A note of this visit will be circulated to Members prior to Committee.

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Planning Policy Context

19. **National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy 2000 (as amended in July 2005).
20. **Regional Planning Policies** – These include Policies E1 (areas of cultural importance), E2 (biodiversity), E3 (Green Belts) and INF3 (waste) of the adopted Regional Spatial Strategy (RPG9) and Policies W4 (sub-regional self-sufficiency), W5 (targets for diversion from landfill), W6 (recycling and composting targets), W7 (capacity requirements) and W17 (location of waste management facilities) of the Proposed Changes to Regional Planning Guidance for the South East (RPG9) – Waste and Minerals (August 2005).
21. **Kent Structure Plan (1996)** - These include Policies S1 (sustainable development and energy conservation), S2 (environment), ENV1 (countryside), ENV2 (landscape and nature conservation), ENV4 (Special Landscape Areas), ENV7 (trees, woodland and hedgerows), ENV20 (pollution), ENV21, ENV22 and ENV23 (waste disposal), NR3 (groundwater protection), NR4 (surface water protection), NR7 (minerals sterilisation), MGB3 (uses appropriate in the Green Belt), T18 (traffic impacts of development) and SR3 (informal countryside recreation / rights of way).
22. **Kent and Medway Structure Plan: Proposed Modifications (September 2005)** – These include Policies SP1 (conservation and enhancement of environment / sustainable development), SS8 (uses appropriate in the green belt), E1 (countryside protection), E3 (protection and enhancement of landscape character), E5 (Special Landscape Areas), E9 (trees, woodland and hedgerows), NR4 (pollution impacts), NR7 (water quality), WM1 (integrated waste management), WM2 (assessment criteria for waste proposals), WM6 (provision of strategic waste management facilities), M12 (safeguarding of mineral resources), TP11 and TP14 (traffic impacts of development / access) and QL18 (rights of way).

The County Council resolved to adopt the Kent and Medway Structure Plan at its meeting on 25 May 2006.
23. **Kent Waste Local Plan (1998)** – These include Policies W1 (waste processing provision / waste hierarchy), W2 (protecting environmental resources), W4 (green belt), W6 (consideration of need / harm), W10 (criteria for composting proposals) and W18 to W32 (operational policies).
24. **Tonbridge and Malling Borough Local Plan (December 1998)** - Identifies that the application site lies in the Green Belt and within a Special Landscape Area.
25. **Sustainable Management of Household Waste Joint Strategy for Kent (November 2002)** – The most relevant Policy is WPS5. Paragraphs 6.2.5 and 6.2.10 are also of particular relevance.

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Consultations

26. **Tonbridge and Malling Borough Council** – Comments awaited.

[The application is due to be reported to the Borough Council's relevant Area Planning Committee on 14 June 2006. Members will be updated appropriately.]

27. **Offham Parish Council** – “Bearing in mind that your Council has already granted consent for a composting facility, albeit on another part of the site and of a different specification, there seemed to be little point in debating the principle of the proposed development but to concentrate our efforts on the detail and our comments are therefore as follows:-

- Overall the proposed development is a significant improvement on that for which consent was granted in January 2005, bearing in mind that the proposed facility is fully enclosed and located within the former worked area of the quarry thereby eliminating all our concerns regarding visibility and impact on the local environment.
- New Earth Solutions have explained their reasoning for applying for a longer time period to the temporary planning permission. Bearing in mind that we do not believe that 15 years is in reality “temporary”, we have no issue with the 15 years being extended to 20 to tie in with the contract period. Page 6 of the planning application, final paragraph states “...The composting facility is of permanent construction and the need for composting to divert bio-degradable waste from landfill is a continuing requirement beyond 2020.” – why therefore are we calling the consent, if forthcoming, temporary?
- We would like to see the same stringent conditions, if consent is granted, imposed as were attached to the previous consent in January 2005 especially with regard to
 - Time limits – commencement and duration
 - Restriction of Permitted Development Rights
 - Access and Traffic routing
 - Hours of operation
 - Landscaping, restoration and aftercare
- Whilst we are aware that all the supporting information clearly states that there will be no noise or odour issues, bearing in mind the sorts of problems that have emanated from the (*Offham*) landfill site over the years these are still two extremely sensitive issues. New Earth Solutions agreed at our meeting on 18th April that they would be more than happy to supply copies of their annual noise monitoring survey bio-aerosol monitoring of the operation facility to all interested parties, including the surrounding Parish Council's and that they would accept this obligation as a planning condition.”

With regard to the restoration options, has no objection to the creation of a permanent lagoon in either Option A or B but would like an explanation of the benefits (or otherwise) of not restoring the site to its original levels. Also questions the reality of the proposed facility being demolished and restoration taking place at the end of any

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temporary period.

28. **West Malling Parish Council** – No objection (including to the restoration options). Has the following comments:-
- vehicle movements should not be permitted through West Malling, Offham or other villages but should be confined to the By Pass;
 - vehicle movements should avoid peak times;
 - lorries must be sheeted;
 - steps must be taken to minimise dust, noise, odour and other pollution; and
 - Members would like to know what steps are being taken to prevent pollution of groundwater.
29. **Mereworth Parish Council** – Objects. Has stated that: “In principle Mereworth Parish Council is fully supportive of recycling waste, including composting. However, we believe that this proposal contravenes both metropolitan green belt policies and locally adopted planning policies. If the proposal is approved we would like to see some measures included to prevent vehicles travelling on roads other than major lorry routes. We would not wish to see the proposed operating hours, the proposed 50,000 tonnes per annum or the proposed lorry movements extended beyond the present proposals without further planning applications made.”
30. **Kings Hill Parish Council** – Objects. Has raised a number of concerns including:-
- The waste types listed in the planning application are different than those permitted previously and some are not suitable for composting (i.e. non-biodegradable);
 - The facility at Poole is similar, but not identical, to that proposed at Blaise Farm (*hence it is not directly comparable*);
 - Monitoring would not be independent;
 - Inadequate public consultation has been undertaken; and
 - The application should not be regarded as a “fait accompli” (*in the context of publicity surrounding the Green Waste service provided by Tonbridge and Malling Borough Council*).
31. **SEERA** – Has the following observations:-
- On the basis of the information provided it is considered that the proposed development does not materially conflict or prejudice the implementation of the regional spatial strategy (RPG9 and alterations) and the Government’s Proposed Changes to the Regional Waste Strategy;
 - The County Council should consider whether it would be appropriate to require additional biodiversity measures to be incorporated within the current proposal and implemented in the short term in accordance with Policy E2; and
 - If the County Council are minded to approve this application, it should use appropriately worded conditions and / or legal agreements to secure the following:-
 - An appropriate restoration scheme following the expiration of the temporary planning consent;

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- That planning permission for the previously consented composting facility is rescinded to restrict unnecessary development in the Green Belt.
32. **Divisional Transport Manager (West Kent)** – No objection subject to restrictions on the maximum number of HGV movements each day and annual composting capacity (to those proposed) and HGVs being routed to avoid local settlements.
 33. **Environment Agency** – No objection in principle subject to the imposition of planning conditions to prevent pollution of the water environment (e.g. scheme for disposal of foul and surface water, use of an oil separator and trapped gullies) and that detailed advisory text in respect of surface water disposal, foul water discharge and waste management be noted. The advisory text in respect of waste management specifically states that a waste management licence will be required and that at this time compost produced from controlled waste remains controlled waste until it has been put to final use (*this has detailed implications for end uses for the compost which are matters for the Environment Agency and applicant*). No objection to either restoration option.
 34. **State Veterinary Service (SVS)** – Has raised no objection. Has advised that although some of the issues that would be covered by the SVS are not covered in the supporting statement accompanying the planning application, it would seem likely that SVS approval could be forthcoming in due course since the proposals are similar to those at the existing plant in Poole (*which already has such approval*).
 35. **KCC Rights of Way** – No objection. Public footpath MR286 runs near to the application site and is unlikely to be affected by the application.
 36. **KCC Waste Management Unit** – Supports the application as the proposed facility would assist in diverting biodegradable waste from landfill into a more sustainable form of waste management within the County in accordance with the Waste Management Strategy and Government Policy.
 37. **KCC Biodiversity Officer** – The site borders, and the haul route passes through, areas of ancient woodland SNCI (*Site of Nature Conservation Importance*) and Kent Wildlife Trust may have a view on whether this proposal adds to the existing and past impacts from the mineral extraction. Very recent extraction within the development boundary reduces the possibility of direct ecological impacts from the proposal. The proposal would affect the proposed mineral restoration / after-use and in reviewing these (*as would be required*) there may be opportunities for enhancements to biodiversity that could be actioned as part of phased restoration. Parts of the overall mineral site offer opportunity for fertile woodland or acid grassland and heath creation.
 38. **KCC Landscape Consultant (Jacobs)** – No objection to the proposed development on visual impact and landscape character grounds. Whilst restoration of the application site to original ground levels would be preferable in landscape terms, Options A and B are considered to be acceptable in principle as alternatives. Further details would be required to assess the full acceptability of either option and this is capable of being addressed at a later date. If Option B is chosen, such details should preferably include more tree planting than currently illustrated.

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39. **KCC Noise, Dust, and Odour Consultant (Jacobs)** – No objections in respect of noise, dust or odour / bioaerosols.

Noise – Is satisfied that noise from the proposed composting plant should not cause detriment to amenity at the indicated levels. Notes that the nearest noise sensitive receptor (Blaise Farm) is more than 500m from the proposed facility. Recommends that a noise condition be imposed to ensure that a BS4142 rating level of 0 is not exceeded.

Odour and bioaerosols – The use of negative pressure and gas scrubbers, coupled with the large distances to the nearest sensitive properties, should minimise the potential for detrimental effects on amenity. The distance to the nearest sensitive receivers (more than 500m) should also ensure that bioaerosol levels remain at background concentrations at these locations.

Dust – The use of negative pressure, dust control units, doors being closed when not required for access / egress and regular cleaning of internal roads should ensure that dust is unlikely to cause detriment to sensitive receivers given the distance to such receivers.

40. **Kent Wildlife Trust** – Welcomes the restoration of the site for nature conservation enhancement and focus on Kent Biodiversity Action Plan priorities, despite the scheme being very general. Has not identified any obvious missed opportunities.
41. **Southern Water** – No objections.

Representations

42. The application has been publicised both by site notice and newspaper advertisement and 25 local residents / business properties were notified. In addition, the Airfield Residents Association and the Tonbridge & Malling Housing Association were notified. 1 letter of objection has been received stating that the proposal is not the best use of the site. The objector has also requested that if permission is granted noise should not be audible at the quarry boundary wall or air contaminated with pollution from the quarry.
43. Hanson Aggregates has written in support of the proposals and has confirmed (amongst other things) that the restoration options are acceptable in principle and that it will make available the necessary restoration materials at the appropriate time (through legal contract with the applicant). It has also advised that since quarrying has recommenced, Option B is the more likely scenario.

Local Members

44. County Council Members Mrs S Hohler, Mrs T Dean and Mr R Long were notified in March 2006 and informed about the additional information in May 2006. No written comments have been received.

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Discussion

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the policies outlined in paragraphs 19 to 25 are of greatest relevance. An important material consideration in this case is that the County Council has already granted planning permission (TM/03/1155) for a 50,000tpa composting facility at Blaise Farm Quarry (albeit in a different location and of different design).
46. Prior to the publication of PPS10 and revisions to Waste Strategy 2000 in July 2005, former advice required planning authorities to consider whether waste planning applications constituted the Best Practicable Environmental Option (BPEO). Case law established that consideration of BPEO to individual applications should be afforded substantial weight in the decision making process. The new advice moves the consideration of BPEO principles to the Plan making stage where it is to be considered as part of the Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) process applied to the Plan. However, where planning authorities' current waste policies have not been subject to the SA / SEA process (as is the case with the Kent Waste Local Plan) it is appropriate to consider planning applications against the principles of BPEO. Until such time as the Kent Waste Development Framework (WDF) reaches a more advanced stage, applications will be considered against Policy WM2 of the Kent & Medway Structure Plan to ensure that they deliver facilities that are "*of the right type, in the right place and at the right time*" in accordance with paragraph 2 of PPS10. This approach is also consistent with the underlying principles of the emerging South East Regional Waste Strategy / RSS for the South East.
47. The main issues to be considered in this instance relate to:-
- Need for the proposed development;
 - Alternative sites, sources of waste and the proximity principle;
 - Location (including Green Belt);
 - Traffic;
 - Potential pollution and amenity (noise, dust, odour, air quality, water environment);
 - Landscape and visual impact; and
 - Ecology and archaeology.

Need for the proposed development

48. The overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Paragraphs 3 and 5 of PPS10 state that planning has an important role in delivering sustainable waste management and that waste planning authorities should have regard to its advice as a material consideration which may supersede the policies in their development plan in considering planning applications for waste management facilities before development plans can be reviewed to reflect it. Policy INF3 of RPG9 requires that adequate provision should be made for managing the Region's waste within its boundaries and that waste planning authorities should make provision for the

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range of facilities necessary to deal with the waste that should be managed in their areas. Policy W4 of the proposed Regional Waste Management Strategy states that waste planning authorities should plan for net self-sufficiency through provision for management capacity equivalent to the amount of waste arising and requiring management within their boundaries. Policies W5 and W6 respectively set targets for diversion from landfill and for recycling and composting. Policy W7 sets out benchmarks for annual rates of wastes to be managed in Kent and Medway, but leaves the type, size and mix of facilities required to achieve this to individual Waste Planning Authorities.

49. Policy ENV21 of the Structure Plan states that the planning authority will make provision for the waste arising in Kent, together with a contribution to meeting wider waste management needs in the South East region. Policy ENV22 states that proposals for disposal will not be permitted unless the need for such development overrides material agricultural, landscape, conservation, traffic and environmental or land use concerns. Policy WM2 of the emerging Kent and Medway Structure Plan (KMSP) states that proposals for the disposal of waste will be required to show that they represent the best balance between the most efficient and most environmentally sustainable method of managing a specific type of waste and that they should demonstrate that they meet a demonstrable need that overrides material agricultural, landscape, conservation, traffic and other environmental or land use concerns.
50. Policy W1 of the Kent Waste Local Plan (WLP) states that the local planning authority will make provision in accordance with the principles of sustainable development (based on the waste hierarchy) for wastes arising in Kent to be dealt with in Kent and will also provide for a share of the region's waste (to be agreed by SERPLAN) which cannot reasonably be dealt with in the area of origin. Policy W6 of the Kent WLP states that need will be a material consideration where a proposal is outside a location identified as suitable in principle in the plan (in this case the criteria in Policy W10) and demonstrable harm would be caused to an interest of acknowledged importance.
51. The need for additional composting capacity to serve a number of Districts in West Kent was previously identified in the Sustainable Management of Household Waste Joint Strategy for Kent (November 2002). The Household Waste Strategy defines the West Kent Area as Dartford, Gravesham, Maidstone, Sevenoaks, Swale, Tonbridge and Malling and Tunbridge Wells. It specifically identifies that additional composting capacity will be needed to ensure continued provision for Dartford, Gravesham, Swale and the northern parts of Maidstone and Tonbridge and Malling. It does not say whether this should be one or several facilities. This is reflected in Policy WM6 of the emerging KMSP which states that the Waste Development Frameworks will assess a pattern of waste management facilities over the plan period that will include consideration of industrial scale composting facilities. The proposed facility at Blaise Farm could be regarded as an industrial scale facility and could serve to provide a facility to serve parts of West or North Kent.
52. There are a number of green waste composting sites operating in the County that take green waste from household waste recycling centre (HWRC) sites and various landscape contractors and use the open windrow technique to compost the material. The main sites are at Dunbrik (Sevenoaks) and Shelford (Canterbury), which can

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accept some 18,000tpa and 16,000tpa respectively, although much smaller facilities operate at Hope Farm near Folkestone (Shepway) and Conghurst Farm near Hawkhurst (Tonbridge Wells). Planning permission has also been granted for open windrow composting at Norwood Farm on the Isle of Sheppey (Swale). Planning permissions for other types of composting facility have also been granted at Larkfield Mill (40,000tpa in-vessel)¹, Blaise Farm Quarry (50,000tpa in-vessel/open windrow), Great Ness Quarry, Sevenoaks (10,000tpa temporary/c. 9 years 'eco-pod' containment) and Shelford (14,000tpa temporary in-vessel). Other green waste is either landfilled or exported to Essex for processing. However, the composting capacity within Kent implied by this is misleading. It should be noted that the existing facility at Dunbrik would close if a proposed new waste transfer station and enhanced HWRC is built², the permitted facility at Norwood will not be implemented if hazardous waste landfilling at the site goes ahead, the permission at Larkfield Mill will not be implemented as the landowner has stated that it is pursuing other options for the site, the in-vessel permission at Shelford has not been implemented after several years (and may never be) and the permission at Blaise Farm Quarry is not consistent with the recent GFVC waste contract for Tonbridge and Malling and Tunbridge Wells and would be replaced by the current proposals.

53. It can be seen from the above that the principle of composting as an alternative to landfilling has considerable policy support and that there is a clear and immediate need for further capacity if relevant targets are to be met. It can also be seen that the issue is exacerbated by the fact that one of the major existing composting facilities in the County may soon close and that a number of recent planning permissions, which could otherwise provide additional capacity, will/may not be implemented. It is also worth noting that no one has disputed the need for additional composting capacity in Kent (either generally or specifically to serve the north and west of the County). The fact that the applicant must demonstrate very special circumstances to justify the location of the facility in the Green Belt together with the inevitable environmental impacts associated with the proposals (*discussed below*) ensure that need is a material consideration pursuant to Policy ENV22 of the Kent Structure Plan, Policy WM2 of the emerging KMSP and Policy W6 of the Waste Local Plan. The point at issue, however, is not the general case of need, rather it is whether the need for additional composting capacity is sufficient to justify a facility at this location. This is explored further below in the "Location (including Green Belt)" section.

Alternative sites, sources of waste and the proximity principle

54. Paragraphs 23 and 24 of PPS10 state that in the interim period before development plans are updated, planning authorities should ensure that proposals are consistent with the policies in the PPS and avoid placing requirements on applicants that are inconsistent. Applications for sites that are unallocated in development plan documents should be considered favourably when consistent with the policies in the PPS, including criteria set out in paragraph 21 (e.g. physical and environmental constraints, cumulative effects, highway capacity, sustainable movement of waste and giving priority to the re-use of previously developed land), and the waste planning

¹ 15,000tpa of waste paper sludge from the Paper Mill and 25,000tpa of GFVC (green, food, vegetable and cardboard) waste.

² KCC resolved to grant planning permission for this in January 2006.

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authority's core strategy. Paragraph 20 states that in searching for sites for new or enhanced waste management facilities, waste planning authorities should consider looking for opportunities to co-locate facilities together with complementary activities. Policy W17 of the proposed Regional Waste Management Strategy states that the suitability of existing sites and potential new sites should be assessed against characteristics which include good accessibility from existing urban areas or major new or planned development, good transport connections and compatible land uses such as active mineral working sites. It also states that waste management facilities should not be precluded from the Green Belt where this is the nearest appropriate location (*i.e. is consistent with the proximity principle*), where there are no alternative sites, and provided that the development would not cause harm to the objectives of the designation (*Green Belt is examined further below*).

55. Reducing the need to travel is one of the key principles of PPS1 and the proximity principle is an important element of sustainable waste management. Paragraph 3 of PPS10 states that waste should be disposed of in one of the nearest appropriate installations. RPG9 states that Waste Local Plans should identify sites for waste treatment and disposal facilities having regard to the proximity principle. The proximity principle is also implicit in the proposed Regional Waste Management Strategy and Policies S1, ENV21 and ENV22 of the Structure Plan. Policy WM2 of the KMSP states that waste proposals should accord with the proximity principle, taking into account the environmental impact of the mode of transport proposed. The desirability for disposal solutions to be proximate to waste sources is also implicit in the need for each waste planning authority to seek to meet its own waste management needs.
56. Consideration of alternatives (including sites) by the applicant is regarded as best practice and can be a material consideration in determining applications. In this instance, the applicant has submitted the results of an alternative site assessment exercise which looks at land in Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts that may be suitable, available and viable for use for the development of a composting facility.³ The report concludes (*amongst other things*) that: the four District areas offer very limited potential for employment development; a significant majority of the areas are classed as AONB, SLA or Green Belt; most commercial / land agents showed no interest and suggested looking further afield / elsewhere; where employment land is available it tends to be on smaller / infill sites, whereas larger sites are aimed at higher quality uses (*i.e. not those perceived as "bad neighbour"*) which command high values; and of the sites that may have potential, most tend to be long term opportunities requiring major infrastructure works to enable development. The report identifies three sites within the four Districts as offering practical opportunities (in preferred order): Blaise Farm Quarry (application site); Wealdon Granary Site (Mereworth Woods); and Fishponds Farm (Tunbridge Wells). All three lie within the Green Belt.
57. Based on the information available at this time, I consider that the applicant's site assessment exercise was adequate and that there are no suitable non-Green Belt sites currently available. This is not to say that there is no land in the four Districts that may have the potential for composting development in the longer term. This will

³ Criteria included: regular shaped site of at least 6 acres; suitable for B2 / B8 use; good road access; away from residential areas; capable of development being operation within 18 months.

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be a matter for the emerging Kent WDF or future proposals. The question as to whether the applicant's site assessment exercise was sufficiently broad in scope when considered against proposed waste sources is considered further below and in the context of Green Belt.

58. Consideration of proximity by the applicant is encompassed in a traffic impact assessment report which contains the results of a time / distance survey using the motorway, trunk and primary route network. The study contains the results of timed runs and the distance from each waste transfer station (WTS) / household waste recycling centre (HWRC) in Kent and Medway to Blaise Farm Quarry. For Tonbridge and Malling (with no WTS or HWRC), two points were taken at Tonbridge town centre and Aylesford to ensure that all Local Authority areas were represented. The report acknowledges that the use of kerbside collections could affect the results if materials were to be delivered direct. The results of the time / distance survey show that all Local Authority area sources (including Medway) apart from Canterbury, Dover, Shepway and Thanet lie within 26 miles of Blaise Farm Quarry and can be accessed in no more than 47 minutes. It is interesting to note that apart from Canterbury, Dover, Shepway and Thanet only Ashford and Swale perform worse than Sevenoaks (one of the four Local Authority areas included in the alternative site assessment exercise) in terms of distance and only Swale performs worse than Sevenoaks in terms of time. On this basis, the applicant suggests that wastes from Tonbridge and Malling, Maidstone, Tunbridge Wells, Medway, Dartford, Gravesham, Sevenoaks, Ashford and Swale should be regarded as proximate and be permitted to be composted at the site. The report also notes that these areas contain 65% of the entire population of Kent and Medway. Clearly the proposed facility would be unable to handle all compostable waste from these areas.
59. I see no reason to dispute the results of the time / distance survey or the applicant's assertions on proximity and consider that the proposals are consistent with adopted and emerging national, regional and local waste management policy insofar as they relate to the proximity of the application site to the proposed waste sources. I also consider that waste sources can and should be secured by condition if permission is granted to ensure that these remain proximate to the facility. Notwithstanding this, the issue of appropriate waste sources is explored further below in terms of "Location (including Green Belt)".

Location (including Green Belt)

60. PPG2 states that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. It also states that inappropriate development includes the construction of new buildings unless for certain specified purposes (*the proposal for built development at Blaise Farm Quarry does not fall into one of the specified categories*). It further states that inappropriate development is by definition harmful to the Green Belt and that it is for the applicant to show why permission should be granted. The PPG also sets out the purposes of including land in Green Belts and objectives for use of land in Green Belts. The purposes of including land in the Green Belt are (amongst others): to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding

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the countryside from encroachment; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Once Green Belt land has been defined the use of land in them has a positive role to play in fulfilling the following objectives: to provide opportunities for access to the open countryside for the urban population; to provide opportunities for outdoor sport and outdoor recreation near urban areas; to retain attractive landscapes, and enhance landscapes, near to where people live; to improve damaged and derelict land around towns; to secure nature conservation interest; and to retain land in agricultural, forestry and related uses.

61. Paragraph 3 of PPS10 states that planning authorities should deliver strategies that “protect green belts but recognise the particular locational needs of some types of waste management facilities when defining green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.” Policy W17 of the proposed Regional Waste Management Strategy states that waste management facilities should not be precluded from the Green Belt where this is the nearest appropriate location (*i.e. is consistent with the proximity principle*), where there are no alternative sites, and provided that the development would not cause harm to the objectives of the designation.
62. Policy MGB3 of the Kent Structure Plan reflects PPG2 and provides for a general presumption against inappropriate development in the Green Belt and confirms that the construction of new buildings is inappropriate unless it is for the purposes set out in PPG2. Policy SS8 of the KMSP simply states that there is a general presumption against inappropriate development in the Green Belt and that new building should accord with the provisions of PPG2 and Annex B of PPG3. Policy W4 of the Waste Local Plan is clear that there will be a general presumption against any built waste management developments within the Green Belt unless these are temporary proposals related to the restoration of mineral workings whilst Policy W10(a) states that non-windrow composting proposals will be permitted if the site is within an established or committed industrial or industrial type area.
63. Both Kings Hill and Mereworth Parish Councils and the only local resident to have made representations have (*in effect*) expressed the opinion that the proposed development is inappropriate and that no very special circumstances exist to overcome the usual presumption against such development. It is clear that the proposed built development at Blaise Farm Quarry does represent “inappropriate development” in the Green Belt. The issue for consideration is whether the facility could be accommodated without severe impact on the purposes of the Green Belt and whether the applicant has demonstrated very special circumstances to overcome the normal presumption against inappropriate development.
64. Having accepted that the site could be regarded as satisfying the proximity principle for compostable waste from nine Local Authority areas (paragraphs 58 and 59 above), consideration is needed as to whether it is appropriate that waste from all these areas should be composted at Blaise Farm Quarry when assessed against Green Belt policy. In this context, it should be noted that the applicant’s site assessment exercise

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only included four District areas (Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts) and that there has therefore been no assessment as to whether alternative sites may exist outside the Green Belt in other areas.

65. Strict interpretation of emerging Policy W17 of the proposed Regional Waste Management Strategy would suggest that the lack of such an assessment means that it would be unacceptable under normal circumstances for wastes to be imported from outside the four Districts. I consider that this approach would also be consistent with the usual Green Belt policy presumptions. Notwithstanding this, I accept that whilst the applicant already has a contract which would provide for 25,000tpa of compostable MSW sourced from Tonbridge and Malling and Tunbridge Wells (i.e. 50% of the proposed capacity at Blaise Farm Quarry) and that it would be well placed to secure further similar MSW contracts for Maidstone and Sevenoaks or C&I waste contracts from within the four District areas, there can be no guarantee that these will be forthcoming. On this basis, there would be a risk that the facility may not be able to operate at or near full capacity using only MSW and C&I wastes from within the four District areas. In view of the costs of developing and operating a major composting facility of the type proposed, I can understand that applicant's desire to ensure that waste is permitted to be sourced from a sufficiently wide area to ensure that full 50,000tpa capacity is attained within a reasonable timescale. I therefore consider that if permission is granted waste should only be imported to the composting facility from the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks except where the following conditions are met:-

- (i) those occasions where there is sufficient capacity to handle the additional wastes at the Blaise Farm composting facility without diverting wastes from sources within Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts; and
- (ii) where the additional wastes would otherwise be exported from the County or landfilled; and
- (iii) where the additional sources of waste are from within the administrative areas of Kent and Medway.

This is capable of being addressed by conditions and reinforced by Section 106 Agreement and is similar to the approach adopted in respect of the existing composting permission at Blaise Farm Quarry. By seeking to restrict the waste sources to the four Districts with significant areas of Green Belt in this way the likelihood of further inappropriate composting development being needed in such areas should be reduced. It would also serve to ensure that potential composting capacity at the facility is not wasted.

66. Having accepted that the site satisfies the proximity principle and that there are no alternative sites outside the Green Belt (subject to the restrictions on waste sources set out above), two of the three main elements of Policy W17 of the proposed Regional Waste Management Strategy relating to Green Belt have been met. Consideration is therefore needed as to whether the proposed development causes harm to the objectives of Green Belt designation (i.e. those matters listed in paragraph 60 above).

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67. The fact that the proposed facility would be located within the existing quarry void and adjacent to an area which is already disturbed by mineral workings means that it cannot be currently said to fulfil the objectives of providing opportunities for access to the open countryside for the urban population or providing opportunities for outdoor sport and outdoor recreation near urban areas. Whilst the restoration proposals for this part of Blaise Farm Quarry do not include public access, they would not preclude such opportunities in the longer term. Since the composting application proposes restoration of this part of the quarry after 20 years this remains the case. Regardless of the outcome of the current application, it is unlikely that public access would be afforded to this part of the site for many years in any event due to constraints associated with mineral working. The land is currently incapable of being used for agricultural, forestry or related use as it is currently used for mineral working. If the proposals were to be permitted, there would be a delay in the land being restored / returned to these uses under the terms of the mineral permission. However, a 20 year temporary planning permission would not prevent the site from fulfilling these objectives in future. If permission is granted it would be important to ensure that the existing permitted composting facility is not developed as well in order to restrict unnecessary development in the Green Belt. This is capable of being addressed by Section 106 Legal Agreement (see Heads of Terms at Appendix 3). The remaining Green Belt objectives (i.e. retaining attractive landscapes, and enhancing landscapes, near to where people live; improving damaged and derelict land around towns; and securing nature conservation interest) are addressed in detail below (see sections on “landscape and visual impact” and “ecology and archaeology”). For the reasons given in those sections, it is considered that the proposals can be viewed favourably against the remaining Green Belt objectives.
68. Of the proposed very special circumstances put forward by the applicant (see paragraph 16 above):-
- (a) the following are accepted as such for the reasons given:-
- a clearly defined need for the facility – see paragraph 53;
 - the site location accords with the proximity principle – see paragraphs 59 and 65;
 - the absence of alternative sites in urban areas and non-Green Belt locations – see paragraphs 57 and 65;
 - none of the 5 purposes of the Green Belt would be compromised by the proposal – see paragraph 67 (and above references).
- (b) the following is partially accepted:-
- there would be no impact on openness of the Green Belt – whilst there would be some impact on openness, this would be limited for the reasons given at paragraph 89 of the “landscape and visual impact” section (below) and since any impact on openness would be less than would be the case in respect of the current composting planning permission;
- (c) the following are not considered to represent very special circumstances in their own right for the reasons given but can be viewed favourably where stated:-

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- Government policy supports composting to achieve diversion of biodegradable waste from landfill – this is part of the need case; and
 - South East Regional Planning Guidance accepts that the Green Belt may have to accommodate waste management facilities – this policy consideration is acknowledged and has been addressed above.
- (d) the following is not considered to represent a very special circumstance but is accepted as a material planning consideration that is addressed elsewhere in this report as being relevant in terms of Green Belt policy:-
- the quarry void is previously developed land and there would therefore be no encroachment in the Green Belt – see paragraph 67;
69. On the basis of the above, it is considered that the applicant has demonstrated the very special circumstances necessary to overcome the usual presumption against inappropriate development and that proposals need not conflict with Green Belt policy provided satisfactory controls are imposed to address those issues highlighted elsewhere in this report.

Traffic

70. Government guidance on waste seeks to ensure that transportation impacts of development proposals are minimised. Paragraph 21 of PPS10 states that the selection of sites for new or enhanced waste management facilities should involve consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (and non-road transport should be used where practicable and beneficial). Annex E(f) states that the suitability of the road network and the extent to which access would require reliance on local roads are criteria that should be considered. Good transport connections including, where possible, rail and water, are also encouraged in RPG9 and Policy W17 of the proposed Regional Waste Management Strategy. Policies ENV22 and T18 of the Structure Plan and Policies WM2 and TP14 of the KMSPP require that development is acceptable in terms of traffic impact and, in the case of T18 and TP14, well related to the primary or secondary route network. Policy W10(c) of the Kent WLP requires that the site has, or is planned to have, ready accessibility to the primary or secondary route network, Policy W22 requires waste management proposals to be acceptable in terms of highway safety and capacity and for the developer to provide for any necessary improvements and Policy W23 requires measures to prevent mud and debris being deposited on the public highway for waste management proposals.
71. Blaise Farm Quarry is already served by a purpose built surfaced access road onto the A228. The application proposes to extend this to serve the composting facility. This, together with the use of existing or proposed wheel cleaning facilities, should ensure that mud or other materials should not be on roads would not become a problem provided vehicles associated with quarry operations do not 'track' mud onto sections of the access road between the composting facility and site access. These matters are capable of being addressed by conditions.

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72. The proposed composting facility could give rise to a maximum of 84 HGV movements per day. This is marginally more than the 78 HGV movements allowed under composting permission TM/03/1155 and is not significant. In view of the fact that the dualling of the West Malling By-Pass is expected to be completed by Autumn 2006 (well before the proposed composting facility could become operational), the previous restriction on peak hour movements from all activities at Blaise Farm Quarry is no longer considered to be justified. The restrictions on HGV movements and composting capacity sought by the Divisional Transport Manager are capable of being addressed by condition(s).
73. The Parish Councils have sought restrictions on vehicle routing so that HGVs associated with the proposed development do not use local roads or pass through settlements off the A228. The applicant has indicated a willingness to accept the same HGV routing agreed previously (i.e. all vehicles involved in transporting waste to the site shall only use the A228 (North and South) to access the site and shall not pass through those parts of the settlements of Offham, West Malling or Mereworth that lie off the A228 except where this waste is being collected from premises in those settlements). This is reflected in the proposed Heads of Terms at Appendix 3.
74. On the basis of the above, it is considered that the proposals are consistent with adopted and emerging national, regional and local waste management policy insofar as they relate to traffic.

Potential pollution and amenity (noise, dust, odour, air quality, water environment)

75. Government guidance on waste seeks to ensure that the natural environment is not adversely affected by development proposals and that potential adverse amenity and health impacts associated with development proposals are minimised. Paragraph 21 and Annex E(a) of PPS10 are clear that the protection of water resources is an important locational criterion when considering waste management proposals. Paragraph 29 of PPS10 states that waste planning authorities should consider the likely impact on the local environment and on amenity in considering planning applications for waste management facilities (i.e. locational criteria). Paragraphs 5 and 26 of PPS10 state that “controls under the planning and pollution control regimes should complement rather than duplicate each other” and that “in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities.” Paragraph 27 states that “Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.” Policy W17 of the proposed Regional Waste Management Strategy states that the suitability of waste management sites should be assessed on the basis of being capable of meeting a range of locally based environmental and amenity criteria.
76. Policies ENV20 and ENV22 of the Structure Plan and Policies WM2 and NR4 of the KMSP require proposals to be acceptable in terms of their (*general*) environmental impacts. Policies NR3 and NR4 of the Structure Plan and Policy NR7 of the KMSP require proposals to be acceptable in terms of potential impacts on ground and

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surface water. Policy W10(b) and (e) of the Kent WLP require that composting proposals should not cause significant harm to residential amenities due to noise, dust, smell or visual impact and that impact on the natural environment should be minimised. Policy W18 requires planning authorities to be satisfied as to the means of control of noise, dust, odours and other emissions for waste management proposals, particularly in respect of potential impact on neighbouring land uses and amenity, Policy W19 requires that surface and groundwater resources will be protected, Policy W25 requires plant, buildings and associated elements to be designed to minimise adverse visual and noise impact and Policy W26 sets out the hours during which waste facilities will normally be permitted to operate.

77. The nearest residential property (sensitive receiver) is more than 500m from the proposed composting facility. Consultee responses indicate that provided the proposed facility is operated and managed effectively, noise, dust and odour are unlikely to cause significant harm to residential amenity. In addition, the Environment Agency has confirmed that the proposed facility would require a waste management licence and the State Veterinary Service has confirmed that it would have a detailed role in authorising and monitoring the proposed GFVC operations for the purposes of meeting the Animal By-Products Order 2003.
78. The waste management licence is the appropriate mechanism for securing detailed operational controls relating to (amongst other things) odour and bioaerosols and, in accordance with Government Guidance, it is not proposed to duplicate these with unnecessary planning ones. Any waste management controls would be complemented by those available through planning and environmental health legislation and together these are considered to be sufficient to ensure that any potential harm can be minimised and adequately controlled. On this basis, and since noise and dust emissions can be satisfactorily controlled by planning conditions, the proposals are considered to accord with Policy W18 of the Waste Local Plan. In view of the fact that odour and bio-aerosol would be matters for the Environment Agency and since the applicant has demonstrated that any noise from the proposed development would not lead to an increase in background noise levels at any noise sensitive properties, it is not considered appropriate to require the applicant to submit annual monitoring reports on these issues as suggested by Offham Parish Council.
79. Although the application includes proposals (e.g. site drainage and design) designed to protect the water environment, and these are acceptable in principle, the Environment Agency has requested further details relating to these matters in the event that permission is granted. Since the Environment Agency has raised no objections to the proposed restoration options I am satisfied that any drainage / water protection issues can be satisfactorily addressed by condition(s).
80. As set out in paragraph 14 the composting process is a continuous one (i.e. 24 hour), however, waste deliveries and certain other operations need only take place at certain times. The fluctuating / seasonal nature of green and other compostable waste production means that demand is higher at certain times of the year or after specific events. This is reflected in the proposed hours of working which would provide for a longer working day on Saturdays during summer months and after Bank or Public Holidays. With the exception of windrow turning, which may be needed during the day

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on Sundays or Bank or Public Holidays and later than other operations on Saturdays to ensure that aerobic conditions and suitable time temperature profiles are maintained, no deliveries or operations employing plant and vehicles for handling and screening compost would take place on Sundays or Bank or Public Holidays. This is also reflected in the proposed working hours. In all other respects, the proposed hours of working accord with those set out as normal hours in Policy W18 of the Kent WLP. The specific operational and related needs of the composting process and desirability of being able to transport suitable waste from Local Authority WTS or HWRCs to prevent them becoming full and having to close are considered sufficient in this case to justify the greater flexibility proposed given the remoteness of the site, its good access and since such operations would not have a significant impact on local amenity.

81. The potential for light pollution is addressed under “Landscape and visual impact” below.
82. On the basis of the above, it is considered that the proposals accord with adopted and emerging national, regional and local waste management policy insofar as they relate to potential pollution or related amenity impacts.

Landscape and visual impact

83. Government guidance on waste seeks to ensure that landscape impacts of development proposals are acceptable. Paragraph 21 and Annex E(c) of PPS10 are clear that landscape, design and visual impact are important locational criteria when considering waste management proposals. Similar requirements are reflected in RPG9 and Policy W17 of the proposed Regional Waste Management Strategy. Policies S2, ENV1, ENV2, ENV4, ENV7 and ENV22 of the Structure Plan and Policies E1, E3, E5, E9 and WM2 of the KMSP require that development is acceptable in terms of landscape impact (with additional priority to conserving and enhancing natural beauty of Special Landscape Areas (SLAs)). Policy W2(v) of the Kent WLP states that permission will not be granted if proposed development would cause a significantly adverse impact in SLAs, Policy W10(d) requires that any proposal should not be unduly obtrusive in the landscape, Policy W25 requires processing plant, hard surfacing, buildings and lighting to be designed to minimise adverse visual and landscape impact and Policy W31 requires that appropriate landscaping schemes are integral to waste management proposals. As highlighted above, retaining attractive landscapes and enhancing landscapes near to where people live and improving damaged and derelict land around towns are Green Belt objectives.
84. The site is well contained by extensive mature woodland which block distant views from virtually all directions (e.g. from the Kent Downs AONB). Although filtered views are possible from a distance any effects would be negligible. Although there are some localised views into the site, these are generally limited by the depth of the quarry or by intervening vegetation. Any impact on footpath MR286 would be minimal and, in any event, further reduced by its diversion around the perimeter of the quarry as extraction proceeds. Views from the relocated footpath would be further reduced (even after the Phase 2 mineral working area has been excavated) by existing ‘advance planting’ associated with the quarry. Any visual impacts more generally

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could be further mitigated by ensuring that the buildings are suitably coloured to blend with the quarry background (e.g. goose grey profiled metal cladding as proposed). Any visual impacts also need to be considered in the context of existing and future mineral workings and associated stockpiles, which are permitted to continue around the site until well after the proposed 20-year life of the composting facility, and the fact that planning permission already exists for a 50,000tpa composting facility in the centre of the permitted quarry. Although the permitted facility was considered to be acceptable in landscape terms, that now proposed performs more favourably in that it avoids the more prominent central location and the need for large screening mounds to disguise development.

85. In the absence of the composting proposals, the mineral permission requires a large part of the current application site to be progressively restored (backfilled) with overburden from the Phase 2 working area as quarrying continues. The area would eventually be restored to agricultural use and (in the longer term) separated from the rest of the restored quarry by woodland. The majority of the quarry would be restored to agricultural use at a lower level and linked to surrounding unexcavated land and the backfilled area by relatively steep wooded slopes.
86. Both restoration options would result in the adoption of lower level restoration, retained cliff faces, lagoons, broad-leaved and wet woodland planting, unimproved grassland and an emphasis on nature conservation (as opposed to agricultural) afteruse. Whilst the retained cliff faces would not be particularly characteristic to the area any disbenefits associated with this need to be balanced against any ecological benefits and the extent to which these features would be visible from elsewhere. Subject to further detailed consideration (which could include additional woodland planting), neither restoration option would lead to the retained cliff faces being particularly visible in the wider landscape because of the surrounding woodland. Ecological issues are addressed in the “Ecology and archaeology” section.
87. Since quarrying has now recommenced, restoration Option B is considered to represent the more realistic option of those submitted. This option would necessitate about 120,000m³ of restoration materials (hassock, overburden and soils) being made available from either existing stockpiles or from elsewhere in the quarry as extraction continues at the end of the proposed 20-year life of the facility. Hanson Aggregates has confirmed that sufficient amounts of materials are and will remain available for both restoration options and that these would be provided for restoration of the application site through a legally binding contract with the applicant. Whilst restoration of much of the application site to original ground levels would be preferable in landscape terms, this would require the movement of significant amounts of restoration materials from elsewhere within Blaise Farm Quarry unless such materials were to be imported from elsewhere. Importation from elsewhere would require a fresh planning permission.
88. The County Council’s landscape consultant has advised that he has no objection to the proposed development on visual impact and landscape character grounds. He has also advised that restoration Options A and B are both acceptable in principle and that it would be acceptable for further details to be dealt with at a later date.

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89. In view of the fact that the proposed development would be wholly within the quarry void, lower than the unexcavated surrounding area, surrounded by ongoing mineral working and woodland and restored at the end of the proposed 20-year life of the facility, any reduction in openness (in the context of PPG2 Green Belts) would be minimal. Additionally, any impact on openness would be less than would be the case in respect of the existing composting planning permission.
90. Subject to the imposition of suitable conditions to ensure that appropriate building materials and colours are used, any necessary lighting is designed to minimise impact on the rural area and all site infrastructure is removed and the land restored in accordance with the principles set out in the restoration options after 20 years or on cessation of composting operations, it is considered that the proposals would not conflict with adopted and emerging national, regional and local waste management policy insofar as they relate to landscape and visual impact.

Ecology and archaeology

91. Paragraph 21 and Annex E(d) and E(e) of PPS10 are clear that nature conservation and the historic environment are important locational criteria when considering waste management proposals. RPG9 and the proposed changes to RPG9 also include objectives designed to protect such interests. Policies S2, ENV2, ENV5 and ENV6 of the Structure Plan and Policies E6, E7, E8 and QL8 of the KMSP require that development is acceptable in terms of potential impact on ecology (including designated sites) and archaeology. Policies W2, W10, W21, W28, W29 and W30 of the Kent WLP require proposals to be acceptable in terms of potential impacts on environmental resources such as designated sites (e.g. SAMs), nature conservation and archaeology, or require appropriate mitigation for protecting such interests. As highlighted above, securing nature conservation interest is a Green Belt objective.
92. The development of the proposed facility would have no significant impact on ecology and no impact on archaeology since the application site has already been excavated as part of the permitted mineral workings and the Chapel of St Blaise (Scheduled Ancient Monument – SAM) lies about 100m to the north of the site. Any increase in HGV movements is not considered likely to have any material impact on the adjoining SNCI. Notwithstanding the delay in restoring this part of the mineral site, since the application site comprises the existing site access and land entirely within the excavated area, short term measures to increase biodiversity opportunities are not considered to be appropriate in this instance. Both restoration options offer the opportunity to secure enhanced biodiversity interest in the longer term, provided condition(s) are imposed to secure this, and are supported by KCC Biodiversity Officer and Kent Wildlife Trust.
93. On the basis of the above, it is considered that the proposals are compatible with adopted and emerging national, regional and local waste management policy insofar as they relate to ecology and archaeology.

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Other matters

94. As stated in paragraph 4, public footpath MR286 is to be diverted to accommodate mineral extraction and arrangements are already in place for this. The diverted route will run to the north of the phase 2 mineral working area and through existing woodland to the west of the phase 3 area to link with the footpath MR260 (Lords Walk) to the north west. Although the route of the existing footpath is not affected by the proposed development, it is still considered appropriate that the landowner (Hanson Aggregates) create a new public footpath across the mineral site on completion of extraction and associated restoration to recreate so far as possible the route of footpath MR286. Such a footpath is illustrated on the approved restoration plans for Blaise Farm Quarry but the issue was not addressed in a manner to provide absolute certainty. The issue was secured by S106 Agreement as part of the previous composting permission and it is considered appropriate that it be so again. The matter is addressed in clause 5 of the Heads of Terms at Appendix 3.
95. The previous Section 106 Agreement also provided for the establishment of a local liaison group involving representatives from the local community to supplement that already in place for Blaise Farm Quarry. The applicant has agreed to clause 4 of the Heads of Terms at Appendix 3 which would provide for the establishment and maintenance of such a group.
96. Kent Structure Plan Policy NR7 and KMSP Policy M12 seek to avoid the sterilisation of minerals. In this case, mineral planning permission TM/88/1002 allows extraction to a depth of +3m above the highest recorded water table. The applicant states that the highest recorded water table at the quarry since 1988 was 63m AOD in 2003. On this basis extraction may be possible to about 66m AOD. Since extraction at the site has generally been to about 70m AOD a further 4m could be excavated. The applicant states that the fact that this has not occurred can be ascribed to the decreasing percentage of ragstone in this layer (i.e. greater amounts of hassock and clay) and the resultant uneconomic nature of the deposit at this depth in this part of the site. This position would appear to be consistent with information provide previously by Hanson. If planning permission is granted for the proposed development for a 20-year temporary period this would neither sterilise the reserve in perpetuity or even for the entire period that mineral working is permitted at Blaise Farm Quarry. On this basis, and regardless of whether or not the mineral resource is still economic, the proposed development does not conflict with the above mineral policies.
97. Kings Hill Parish Council has objected to the proposed waste types on the basis that these are different than those permitted previously and because it considers that some are unsuitable for composting. This appears to result from a misunderstanding of what is being proposed and what has already been permitted. The list of waste types contained in the planning application sets out those broad European waste categories from which suitable biodegradable materials would be sourced. Whilst very small amounts of extraneous non-biodegradable materials may be present as contaminants in imported loads (and would need to be exported), there is no intention for non-biodegradable materials to be imported to the facility as part of its operation. The existing permission provides for the composting of green waste and green/garden, food, vegetable and cardboard (GFVC) waste derived from both local authority

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(household) and commercial collections. These could include any of the waste categories referred to now. On this basis, and since detailed waste types from within the proposed waste categories would be further controlled in the waste management licence, the Parish Council's concerns are unfounded.

Conclusion

98. Whilst the proposals have given rise to objections from some respondents, including Kings Hill and Mereworth Parish Councils and a local resident, I consider that the benefits associated with the proposal (i.e. the provision of a composting facility which would move waste management up the waste hierarchy and reduce the need for household waste to be transported significant distances) outweigh any real or perceived harm to local amenity or other environmental interests. I also consider that although the proposed development represents inappropriate development in the Green Belt (and must therefore be referred to the Secretary of State as a departure from the development plan), the applicant has demonstrated the very special circumstances necessary to overcome the usual presumption against development in this case. In coming to this recommendation, I have had regard to consultee responses, the fact that many issues can be further mitigated by agreement and the imposition of planning conditions and the fact that the facility would also require a waste management licence under which additional pollution control matters would be regulated as required by PPS10. In concluding, I also consider that the proposed development represents an improvement on the existing composting planning permission.
99. On balance, it is considered therefore that the very special circumstances put forward by the applicant are sufficient to outweigh the normal presumption against inappropriate development in the Green Belt. It is therefore considered that subject to the satisfactory conclusion of a legal agreement to secure the Heads of Terms set out in Appendix 3 and subject to conditions to cover the various matters outlined in this report that planning permission should be granted for a temporary period of 20 years from the commencement of commercial composting operations. If Members accept this, the application would need to be referred to the Secretary of State as a departure from the development plan to establish whether he wishes to call-in the proposal for his own determination.
100. For the reasons set out above, I consider that the proposed development accords with adopted and emerging national, regional and local minerals and waste management policy, including the specific development plan policies referred to. Specifically, I consider that the proposals can be viewed favourably against paragraph 3 of PPS10, Policy W17 of the emerging Regional Waste Management Strategy, Policy WM2 of the KMSP and the requirements of paragraph 2 of PPS10 and that the proposed facility is *"of the right type, in the right place and at the right time."*

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Recommendation

101. I RECOMMEND that the application be referred to the Secretary of State as a departure from the development plan and that SUBJECT TO no intervention by the Secretary of State and the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 3 and conditions covering amongst other matters: date for implementation (3 years); duration of the permission to be 20 years from the commencement of commercial composting operations; removal of facility at end of permitted time period or if abandoned for specified period; waste types; waste sources; HGV movement restrictions; surfacing of access roads and hardstanding areas; avoidance of mud on roads (including wheel / chassis cleaning details); noise and dust controls; hours of operation; lighting details (to minimise visual impacts); details of waste storage (e.g. facilities for rejects); details of internal haul road (e.g. surfacing and related matters); details of surface water and foul drainage; details of materials and colours for buildings and plant; soil handling and storage; and restoration scheme for the site (to accord with the principles set out in Option A or B as appropriate).

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| Case Officer: Jim Wooldridge |
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| Tel. no. 01622 221060 |
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| Background Documents: see section heading. |
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APPENDIX 1 TO ITEM C1

APPENDIX 2 TO ITEM C1

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Draft Heads of Terms for S106 Agreement

Excluding clause 1, all to be effective only if planning permission is implemented

1. The applicant / landowner to pay KCC upon execution of the Agreement all of KCC's reasonable and proper legal costs for the preparation and completion of the Agreement.
2. The landowner / operator of the composting facility not to import permitted waste into the composting facility other than from the Districts of Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks except in the following circumstances:
 - (i) those occasions where there is sufficient capacity to handle the additional wastes at the Blaise Farm composting facility without diverting wastes from sources within Tonbridge and Malling, Tunbridge Wells, Maidstone and Sevenoaks Districts; and
 - (ii) where the additional wastes would otherwise be exported from the County or landfilled; and
 - (iii) where the additional sources of permitted waste are from within the administrative areas of Kent or Medway.
3. All vehicles involved in transporting permitted waste to the site shall only use the A228 (North and South) to access the site and shall not pass through those parts of the settlements of Offham, West Malling or Mereworth that lie off the A228 except where the permitted waste is being collected from premises in those settlements.
4. The operator of the composting facility shall establish and maintain a local liaison group involving specified representatives from the local community for the duration of the composting facility. The first meeting of the liaison group to be held within six months of commencement of development unless otherwise agreed in writing by KCC.
5. On completion of mineral extraction and associated restoration of Blaise Farm Quarry the landowner shall create a new public footpath across the Quarry running approximately north to south between points "X" and "Y" as shown on the plan *[to be included]* to recreate so far as is practicable the route of footpath MR286 that will have been diverted around the quarry to facilitate mineral working at the quarry to also include all implementation works and the payment of KCC's reasonable and proper legal and administrative costs.
6. The landowner / applicant shall restore the application site using restoration materials (i.e. overburden, subsoil and topsoil) derived from within Blaise Farm Quarry *[as defined on drawing xxxx]* in accordance with conditions *[x, y and z]* attached to planning permission TM/06/762 at the expiry of the planning permission. The landowner shall not obstruct the restoration of the application site and shall ensure that sufficient restoration materials are retained on site for this purpose.
7. The landowner shall covenant not implement planning permission TM/03/1155 dated 20 January 2005 for the use of land and erection of buildings for the composting of green waste and green/garden, food, vegetable, cardboard (GFVC) waste at Blaise Farm Quarry.

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New tertiary wastewater treatment facilities and new sludge digestion and drying facilities built alongside the existing treatment facilities at Ashford Wastewater Treatment Works and Sludge Recycling Centre – AS/06/243

A report by Head of Planning Applications Unit to Planning Applications Committee on 20 June 2006.

New tertiary wastewater treatment facilities and new sludge digestion and drying facilities built alongside the existing treatment facilities at Ashford Wastewater Treatment Works and Sludge Recycling Centre – AS/06/243

For Permission

Local Member: Mrs. E Tweed

Unrestricted

Introduction

1. The existing Ashford Wastewater Treatment Works (WWTW) (first established in the 1900's) and Sludge Recycling Centre (SRC) provide wastewater treatment (preliminary, primary, secondary biological and tertiary) for Ashford, and sludge recycling facilities for a catchment area comprising most of East Kent; i.e., imports from other smaller treatment works both in liquid and cake form arrive at Ashford for further treatment. The treated effluent is discharged to the River Great Stour, and the digested sludge cake is used as a soil conditioner on agricultural land.

The Site

2. The WWTW is located to the north of Ashford town centre, immediately to the north of the M20 motorway, to the east of the site is the Canterbury railway line. The road and railway are elevated on steep vegetated banks, dominating the edge of the works site. To the north beyond the Great Stour the land is flat flood plain, beyond which is housing. To the north west of the site boundary is Ashford Rugby Club and their playing fields. The A28 Canterbury Road to the west is the access and egress point into the site and is approached via the private road (shared with the rugby club for some of its length) into the site. The access road is also a public right of way for part of its length. At the junction with the A28 a number of infill residential properties have been developed and on the main strategic road itself is a ribbon of residential properties. A number of commercial developments flank Canterbury Road heading south west towards the motorway.
3. The works site itself is split into four relatively distinct areas. The core working area consists of a group of tall tanks, a spherical gas-holder, and buildings. The tall digester tanks (approx. 10-15m tall) dominate the site. The area to the east of the site consists of a series of concrete sludge storage bays and one medium sized metal shed. These structures are surrounded by rough grassland with pockets of scrub and tree cover along

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4. the boundaries. To the north, large flat rectangular grass plots and reed beds take up a considerable proportion of the site. A low embankment separates the river, which forms the northern boundary, from the site. Along the eastern boundary a fence and a ditch separate the site from the wooded railway embankments.

Background

5. Southern Water is required to provide improved wastewater and sludge treatment facilities to ensure compliance with current European legislation (Urban Waste Water Treatment Directive – UWWTD) and UK regulations (Urban Wastewater Treatment (England and Wales) Regulations 1994).

Proposal

6. In brief the planning application is for the following:
7. *The Water Quality Scheme* – to improve the treatment of wastewater by installing additional tertiary treatment facilities with nutrient removal (sand filters, four nitrifying filters and interstage pumping stations) in compliance with a modified discharge consent, which has been agreed with the Environment Agency.
8. *The Sludge Recycling Scheme* – new sludge digestion and thermal drying facilities to treat increasing volumes of sludge to produce a dried sludge granule, in accordance with stringent regulations controlling the standard of treatment required for disposal of sludge on agricultural land. Implementation of the Urban Waste Water Treatment Directive and other environmental EU Directives has meant that the amount of sludge produced in the UK has risen, as a greater proportion of wastewater is treated and higher treatment standards are required of that proportion. The existing sludge treatment facilities in Kent are insufficient to meet future needs. The Kent Sludge Strategy has identified three geographic areas where the need for new facilities must be addressed, West Kent, Ashford and Weatherlees Catchments. It is proposed that this application would deal with the increase in sludge arising in both the Ashford and Weatherlees catchments. Aylesford has been identified to deal with sludge arisings in west Kent and is the subject of a separate planning application and will be reported to committee in due course.
9. *The Odour Management Scheme* – preparation and implementation of an Odour Management Plan, including new odour treatment systems for the

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proposed new WWTW and SRC facilities, as well as the existing treatment facilities.

10. The proposed development is expected to generate on average an additional 25 (19 HGV) vehicle visits (50 (38) movements) per day on weekdays and 9 (3 HGV) vehicle visits (18 (6) movements) on Saturdays.
11. The entire construction phase would take approximately 24 months, incorporating a 16-week commissioning period. Normal hours of working for the construction period would be 7am to 6pm weekday and 7am to 1pm on Saturdays.
12. The application is accompanied by an Environmental Statement which considers the environmental effects of the proposal and also details as required the main alternative disposal options and site locations considered.
13. *The Master Plan* - In the longer term the volume of wastewater generated in Ashford is set to rise significantly with the implementation of Government strategic growth plans for Ashford. The strategy for how the volumes of wastewater generated by the Ashford Growth Area are to be treated and where the facilities would be located has yet to be determined. One option is that the wastewater should be treated at the existing Ashford WWTW. Therefore Southern Water has prepared a Master Plan, which addresses the following potential phases of development at the site:
 - Phase One – development required prior to 2015 (the current planning application),
 - Phase Two - development potentially required prior to 2030, and
 - Phase Three - development potentially required after 2030.
14. In order to enable the County Council to determine the planning application, with the full knowledge of the totality of the development that might take place at the site in the future, the Environmental Statement considers the environmental impacts of the Master Plan as a whole.

Main Planning Policy Designations

15. The Ashford WWTW discharges treated effluent into the Great Stour River. At the point of discharge the Stour forms part of a Site of Nature Conservation Interest (SNCI). Further downstream the Stour flows through the wetlands of Stodmarsh and eventually into Pegwell Bay. Stodmarsh and Pegwell Bay are protected under the following nature conservation designations:
 - Stodmarsh Special Protection Area (SPA) and Ramsar site

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- Stodmarsh Special Area of Conservation (SAC)
 - Thanet Coast and Sandwich Bay SPA and Ramsar site
 - Sandwich Bay SAC
16. *Appropriate Assessment* – Where a project is likely to have a significant effect on the conservation objectives of a European designated site (either alone or in combination with other plans or projects), and it is not directly connected with or necessary to the management of the site, the Conservation (Natural Habitats, & c.) Regulations 1994 (The Habitat Regulations) require that an appropriate assessment must be undertaken in respect of the SPA, SAC and Ramsar sites. However English Nature have confirmed that it does not consider the planning application proposals would result in significant effect and therefore it is not necessary to carry out an appropriate assessment.
17. The site is partially located within the indicative fluvial floodplain of the Stour. (The works has been designed to ensure that all SRC buildings are outside the flood risk area, of have floor levels above predicted flood levels). The River and areas of public open space on its northern bank form part of a Green Corridor, which follows the river through Ashford, and includes cycleways, footpaths and the Ashford Rugby Club.

Planning Policy Context

18. There is a range of planning policy implications relating to the proposed scheme. The Environmental Statement provides an overview of the key policies and guidance at European, national, regional and local levels, a summary of the relevant policies follows:

Government Guidance

Circular 17/91 – Water Industry Investment: Planning Considerations

Circular 06/05 – Biodiversity and Geological Conservation

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Guidance Note 13: Transport

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation

Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Guidance Note 24: Planning and Noise

Planning Policy Guidance Note 25: Development and Flood Risk

Planning Policy Statement 25: Development and Flood Risk (consultation draft)

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Communities Plan 2003, Sustainable Communities: Building for the Future

Circular 17/91 – Water Industry Investment: Planning Considerations – acknowledges that local planning authorities have a key role in facilitating water industry development proposals. It confirms a presumption in favour of the expansion of wastewater treatment facilities in the interests of long term wastewater management, providing the need for such facilities outweighs any adverse land use or environmental impact, and that any such adverse impact is minimised. The circular advises, “*in considering development proposals expeditiously, local planning authorities should nevertheless assess and weigh thoroughly all material considerations and any conflicting demands*”.

Circular 06/05 – Biodiversity and Geological Conservation - supports PPS9, it gives guidance to local planning authorities on how to deal with proposals that may affect internationally and nationally designated sites, conservation habitats, and conservation of species protected by law, including the requirement for appropriate assessment under the Habitat Regulations.

Communities Plan 2003 – sets out a long-term programme of action for delivering sustainable communities in both urban and rural areas, and identifies Ashford as a key growth area with substantial scope for further growth, including at least 31,000 new homes and 28,000 new jobs by 2031.

Regional Policy

RPG 9 – Regional Planning Guidance for the South East 2001

The regional context for the proposed scheme is set out in RPG9, which identifies the following key development principles for the region:

- Urban areas should be the main focus for development,
- Greenfield development should normally take place only after other alternatives have been considered,
- Protection and enhancement of the region’s biodiversity, landscape and built and historic heritage.

RPG 9 calls for local authorities to establish or maintain ongoing liaison with the Environment Agency and sewage statutory undertakers in order to ensure timely and sustainable provision of infrastructure for the supply of water, sewage treatment and discharge systems.

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RPG 9 outlines the specific timetables, housing and employment requirements, and methods for achieving the required growth levels in Ashford.

RPG 9 acknowledges that *“Water related issues such as water supply, trunk sewers and waste water treatment as well as drainage and flooding are of special importance, given Ashford’s location in an area of relative deficiency for water supply and local river system’s vulnerability to flood. Investment will therefore be needed to both augment the water supply and increase the capacity of the waste water treatment works, including the possibility of a new Waste Water Treatment Works as an alternative to expansion of the existing works”*.

The South East Plan (Regional Spatial Strategy)

19. The Planning and Compulsory Purchase Act 2004 sets out the statutory basis for a new system of spatial planning, based on Regional Spatial Strategies (RSS) and Local Development Frameworks. The South East England Regional Assembly (SEERA) is the responsible body charged with undertaking the preparation of the RSS for South East England, ‘The South East Plan’, which will set out the development framework for the period to 2026.

The Draft South East Plan was published for consultation in January 2005 and on 29 July 2005 the Draft South East Plan Part 1: Core Regional Policies was handed to Government. The full plan, to include Part 2 – sub-regional details was submitted for Government approval on 31 March 2006, with a view to the Final Plan being issued by Government in Spring 2008.

The RSS takes forward the proposals for the Ashford Growth Area, which were approved in principle in RPG 9.

RSS acknowledges the increasing demands arising from existing and new development on water resources in the South East and through Policy NRM1 seeks the timely provision of wastewater treatment infrastructure. Policy CC5 notes *“The scale and pace of development will be dependent on their being sufficient capacity in the existing infrastructure to meet the area’s current needs and the provision of new infrastructure to meet the needs of new development...”*

Draft Regional Economic Strategy for South East England, 2002-2012

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20. Effective infrastructure and the sustainable use of natural resources are key objectives of the Regional Economic Strategy (RES). Priority 18 of the RES calls for sustainable management of water, waste and energy.

The Kent Structure Plan 1996

21. The following policies are relevant to this proposal:

S1 – Seeks to promote sustainable forms of development.

S2 – Seeks to conserve and enhance the quality of Kent's environment.

S9 – Highlights the need for co-ordinated implementation, and the relationship between infrastructure provision and land availability.

ENV2 – Seeks to conserve and enhance Kent's landscape and wildlife (flora and fauna) habitats.

ENV5 – Seeks to protect designated sites.

ENV6 – Seeks to discourage development that would harm the scientific or wildlife interests of Local Nature Reserves, or Sites of Nature Conservation Interest.

ENV20 – Seeks to ensure that development is planned and designed so as to avoid or minimise any potential pollution impacts.

ENV22 – Proposals for the treatment, storage, transfer, processing or disposal of waste will only be permitted where the need overrides material land use or environmental concerns.

NR2 – Supports the development or expansion of wastewater treatment facilities subject to the need outweighing any environmental impact and that any such adverse impact is minimised.

NR3 – Aims to protect groundwater from development that would have an unacceptable effect on groundwater quality or the yield of water.

The Structure Plan emphasises the importance of sustainable planning of water and wastewater. It states that, of the services needed to sustain new and existing development, water supply, sewerage and wastewater treatment 'deserve particular consideration', in view of the cost of using remote supply sources or treatment facilities and possible environmental implications.

The Structure Plan acknowledges that significant improvements have been made to the quality of effluent discharged to watercourses, estuaries and the sea, and the Government's advice to local authorities to support water industry development proposals. It notes that new or expanded sewerage and wastewater treatment facilities will be needed and that their provision can have significant implications for local environments, but that their location will often be constrained by geology and topography.

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Kent Waste Local Plan 1998

22. The Kent Waste Local Plan 1998 recognises that the Urban Waste Water Treatment Directive will require the provision of additional treatment facilities. There are no specific policies for wastewater treatment in the Waste Local Plan. However the text acknowledges the Ashford sewer catchment will need new or enhanced works.

The Plan correctly predicts, “Compliance with the EU Directives will lead to an increase in the quantity of sewage sludge created within Kent. At present, most sewage sludge within the County is used as a soil enhancer for agricultural land. The future of current agricultural practices is uncertain and it is likely that more advanced treatment will be required prior to applications to the land.”

The relevant text concludes, *“Proposals for new wastewater treatment and sludge treatment works or extensions to existing works will be supported in principle.”*

Under the new planning system, the Kent Minerals and Waste Development Framework (MWDF) will replace the existing Waste Local Plan. Consultation recently took place on the ‘Issues and Options’ report for the MWDF and ‘Preferred Options’ on the Waste Development Documents are expected to be published in January 2007.

Ashford Borough Local Plan – June 2000

23. The Ashford Borough Local Plan covers the period up to 2006. However, the introduction of the Planning and Compulsory Purchase Act 2004 has effectively saved all the policies until June 2007, or until replaced by approved Development Plan Documents. The key objective of the plan is to ensure that development happens in a sustainable manner.

The Local Plan recognises that along with population growth, infrastructure improvements are required in Ashford. Policy CF5 states *“The Council will seek the continued concentration of wastewater treatment at existing sites and proposals for the improvement of waste water treatment facilities at Bybrook WwTW in Ashford, and other existing sites will be supported, subject to meeting policy DP2.”*

The following policies are also relevant to the proposed scheme:

- GP1 - Managing development to make the best use of resources.
- GP3 - Protecting and improving the environment.
- GP4 - Limiting the impact of development.

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- GP5 - Ensuring the provision of community facilities and Infrastructure.
 - GP6 - Encouraging high quality design in development.
 - GP8 - Planning within a natural structure for growth.
 - DP1 - Design quality of new development.
 - DP2 - Standard environmental requirements of new development.
 - DP6 - Protection of surrounding areas from noise.
 - DP7 - Protection and enhancement of habitats.
 - DP8 - Development to provide appropriate infrastructure and community facilities.
 - EN1 - Protecting and improving the environment.
 - EN2 - Protection of people's enjoyment of their homes.
 - EN4 - Land contamination.
 - EN13 - Green corridors.
 - EN14 - Land adjoining green corridors.
 - EN29 - Protection of nature conservation sites.
 - EN30 - Protects local nature reserves and Sites of Nature Conservation Interest.
 - TP16 - Development designed to consider existing road network.
 - TP18 - Safety and convenience of access to primary or secondary road network.
 - CF1 - Expanding utility services.
 - CF3 - Development and flooding.
24. The Supplementary Planning Guidance 1 – Ashford Green Corridor Plan 2001, praises Southern Water Services for having “*created a wildlife habitat on their land [at the Ashford WWTW] by increasing the area of reed bed. A wide variety of birds are attracted here. Any paths provided on the north side of the river must complement these proposals to minimise the disturbance to wildlife. The habitat should be managed and the opportunities to make further improvements explored*”.

Emerging Planning Policy

The Kent & Medway Structure Plan – Deposit Plan September 2003

25. The Deposit Plan notes that water companies are “*investing heavily in upgrading (wastewater) treatment processes provided at coastal sites*”. The proposed policy for wastewater (the equivalent to Structure Plan Policy NR2) is Policy NR8, the relevant part of which states:

“The development of new or expansion of existing water supply or wastewater facilities will be supported where:

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*There is a demonstrable need to serve existing and/or development proposed in accordance with the development plan; and
This represents the best environmental option; and
Land use and environmental impacts are minimised through appropriate mitigation.”*

The existing Structure Plan policies to protect the environment are largely reaffirmed, with policies to conserve river corridors and habitats.

The principal change in the strategic context since the adoption of the Kent Structure Plan has been the inclusion of Ashford and the Thames Gateway as two of the Government's four growth areas for the South East. The following policies are relevant to the proposed scheme and future growth in Ashford:

SS1 – Spatial priorities for development and investment in Kent.

CC1 – Identifies infrastructure requirements to accommodate the planned growth.

E12 – Protection and conservation of river corridors, biodiversity and the countryside.

NR8 – Supports the expansion of wastewater facilities where they are appropriate.

NR9 – Relates to development prone to flooding or which increases the risk of flooding.

Ashford - Local Development Framework

26. The Ashford Borough Local Plan is under review and will be replaced with a Local Development Framework (LDF); a portfolio of local development documents which will collectively deliver the spatial planning strategy for the Borough. The local development documents will include development plan documents (DPDs) that are geographical or issue specific, and supplementary planning documents (SDPs) that provide detailed guidance on core policy issues.

The first local development document to be drafted as part of the Ashford LDF is the Core Strategy. This sets out the Council's vision and strategic scene for the future of the Borough up to 2031. The Core Strategy outlines the key planning issues and principles guiding development over three ten year phases. It is anticipated that this document will be adopted in May 2007.

The Core Strategy considers various options for wastewater treatment in the future, including expansion of the current WWTW. However it anticipates that the Ashford Integrated Water Management Study (a document commissioned by the Environment Agency to identify the water and

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wastewater requirements for the future growth period until 2021) will provide more technical input into the LDF.

Consultees

Ashford Borough Council: needs reassuring that the proposed modifications can meet the Environment Agency odour exposure standards, awaiting final comments.

English Nature: no objection, have also confirmed that an Appropriate Assessment (under the Habitat Regulations) is not required.

Kent Wildlife Trust: no objection subject to conditions securing the proposed mitigation.

Environment Agency: no objection

SEEDA: supports the application

SEERA: consider the proposal does not conflict with or prejudice the implementation of the current regional spatial strategy (RPG9) and the Government's Proposed Changes to the Regional Waste Strategy.

Network Rail: no views received

Division Transport Manager: No objection subject to receipt of a Travel Plan has requested additional information before a full assessment can be made (this has been received and I await further comment).

Jacobs (noise, dust and odour): no objection regarding air quality but would wish to ensure that no night-time work take place during the construction phase and that predicted noise levels for plant and equipment once operational are achieved.

Jacobs (landscaping): Overall although there would be some slight visual intrusion and adverse landscape character effects as a result of the development, the effects, which are generally slight, can be at least partially mitigated through planting, so that there would be no overriding landscape objection to the proposal.

PROW: no views recieved

County Archaeologist: no objection subject to a programme of archaeological works

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Local Member

27. The Local Member, Mrs Elizabeth Tweed was notified of the application on 12 January 2006. Following the Members site visit Mrs. Tweed wrote asking that consideration be given to the following points:
- An alternative access to the site for trucks (rush hours already cause long delays on this road).
 - Improved treatment of discharge entering the River Stour, with the aim of enhancing the quality of the river.
 - A better way of disguising the 16 m high building.

Publicity

28. A neighbour notification exercise has been undertaken, the proposal advertised and several site notices posted in the surrounding areas. Approximately 20 letters of objection have been received along with a 50 signature petition (and supporting letter from local MP Damian Green). The following points are made:
- The unbearable smell forces us to keep our windows closed during the summer months
 - The infestation of insects especially mosquitoes during the summer period is becoming unbearable
 - There is an intolerable level of noise generated by the site at night which causes sleep deprivation for adults and children
 - The volume of traffic onto the Canterbury Road will be unacceptable
 - Previous complaints about odour have gone as far as the European Court
 - The Applicants have complete disregard for local residents

Discussion

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. There is a significant policy emphasis on supporting the provision of improvements to the wastewater infrastructure. It is acknowledged that the water industry is required to meet the increasingly stringent standards for water quality set out

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in European directives. Particularly at this site it is widely accepted that improvements to public infrastructure are necessary if the government's growth agenda for Ashford is to be realised. However this cannot be at any cost. It is therefore necessary to consider, in accordance with safeguarding policies, the environmental impacts the proposed development will have upon the upon the existing surroundings. The following paragraphs will address the main points in turn.

Ecology

30. The impact of the construction and operation of the proposed development on the ecology and habitats of both the development site and the surrounding area is addressed in the Environmental Statement. The site includes areas of species poor semi improved grassland, with areas of coarse grass with potential for reptiles and breeding birds. It is not considered that this application would result in significant impact upon these habitats but in order to further limit any impacts construction will take place outside of appropriate breeding seasons. English Nature have commented that they are content with the survey information and proposed mitigation measures to be provided during construction and operation. They also support the proposed creation/enhancement of habitat for reptiles and acknowledge this offers the opportunity for a net gain in on-site biodiversity as a result of the proposed works in line with the principles of PPS9.
31. Of more significance perhaps is the potential to impact upon European and internationally designated sites downstream on the River Great Stour. The Environment Agency has however already agreed modified discharge consent to meet population growth and the requirements of the Urban Waste Water Treatment Directive. Under these regulations the Ashford WWTW is required to provide tertiary treatment with nutrient removal. The water quality improvement element of this application has to be carried out if Southern Water is to meet the modified discharge consent. There is therefore no proposal to amend the discharge consent beyond that which has already been approved. The sludge recycling scheme part of the application has no effect upon the discharge to the Stour as all sludge liquors would continue to be treated through the wastewater treatment works and thus subject to the discharge consent. The planning proposals do not therefore have any significant effect upon the European designated sites. English Nature in commenting upon this particular element of the scheme defers to the Environment Agency and the Agency does not object to the proposal.

Odour

32. The potential for odour nuisance from this site is not surprisingly a major concern amongst local residents. In response to complaints about odour from the site Southern Water undertook odour assessments in 2001 and

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2004 to identify the source of odour emissions and appropriate mitigation measures. The 2001 assessment concluded that the complaints were attributable to the trade waste reception, sludge cake storage and the Sequence Batch Reactor (SBR) process employed for liquors balancing. As a consequence the SBR process was taken off-line. The 2004 assessment recommended a series of key actions. The odour control scheme that forms part of this application would implement these actions. The Sludge Recycling process itself includes a thermal dryer which results in the production of a dried granule which is stored in one tonne bags on the site, thereby replacing the need for sludge cake drying/storage bays. It is proposed that the Applicant submits an Odour Management Plan for the whole site and that this be conditioned as part of any permission that may be granted. This plan would need to be approved prior to the importation of any additional sludge. The Odour Management Plan would cover the proposed new WWTW and SRC facilities as well as the following existing plant:

- the inlet works
- imported sludge cake reception building, and
- Liquor balancing tank;

and would consider the potential odour generation at all stages of the treatment process. It would include a range of measures designed to minimise, control and monitor emissions, including:

Odour control and abatement – odorous air from all the processes identified as potentially having high-medium strength categories would be collected and treated at one of the two proposed odour control units; and

Monitoring of odour emissions – performance standards would be set out and the methods by which compliance with them would be monitored at the point of emission.

33. These measures would be prepared in accordance with the Code of Practice on Odour Nuisance from Sewage Treatment Works (DEFRA 2006) which suggest a practical approach for sewage treatment works operators. It requires that all works should incorporate a minimum level of odour management and control measures, with enhanced measures available for application to those sites where statutory nuisance is to be addressed. Ashford Borough Council Environmental Health Officers have been particularly interested in ensuring that appropriate mechanisms for measuring and monitoring levels of odour. Indeed a paper setting out the scope of the Odour Management Plan has been drawn up in consultation with them.
34. I am satisfied that with the measures referred to that the Applicants have taken positive steps to addressing current odour problems and are putting in place appropriate mechanisms for measuring and monitoring odour levels

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from the site in the future.

Traffic

35. Another key area of concern for the neighbours of this site is the amount of traffic generated by the proposal. The traffic impacts for both the construction and the operation of the Ashford WWTW and SRC are addressed in Chapter 13 of the Environmental Statement.
36. The site is accessed from the A28 Canterbury Road via Stourfields, a long established route into the site. The plant would continue to operate 24 hours a day for 365 days of the year. However the current planning permission, granted June 1997 (AS/97/829) restricts operational vehicle movements to the hours of 0700-1800 Monday to Friday and 0700-1300 hours Saturday. It is proposed that a similar condition should be attached to control operational vehicles associated with these proposals. The upgraded WWTW and SRC are forecast to generate on average an additional 19 HGV visits (38 movements) per day on weekdays and 3 HGV vehicle visits (6 movements) on Saturdays. This increase in traffic is not likely to cause any significant problems at the junction of Stourfields with the A28.
37. Of more concern is the increase in traffic during the construction period associated with these proposals. It is expected that the construction phase will take about 24 months in total. Foundation excavation and piling to support the new structures would be undertaken within the first twelve weeks of construction, and 48% of vehicle movements associated with this activity would be HGV's. At 85 movements per day, this would be the highest level of HGV movement at any time during the construction period, although total peak vehicle movements are expected to occur in construction months nine and ten. The Divisional Transport Manager does not object to the proposal subject to the site operatives vehicle movements being managed in accordance with a travel plan and the HGV movements being managed in accordance with a Site Management Plan (SMP). In addition to the requirement for an SMP it is proposed to condition a total number of HGV movements during the morning and afternoon peak period to minimise impacts during these busy periods. With the above measures in place it is considered that the traffic impacts can be adequately managed.

Landscape Impact

38. The landscape and visual impacts resulting from the application site have been assessed from surrounding recreational facilities and residential areas. During preparation of the Environmental Statement officers expressed concerns regarding the potential impact from the proposed sludge dryer

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New tertiary wastewater treatment facilities and new sludge digestion and drying facilities built alongside the existing treatment facilities at Ashford Wastewater Treatment Works and Sludge Recycling Centre – AS/06/243

building (16.3 metres high). Whilst not the tallest building it is certainly the bulkiest and would have the most significant visual impact as it is large enough to be seen from a distance. However in response to these concerns the Applicant has agreed to sink the building into the ground by 5 metres to minimise the impacts. My landscape adviser comments that the new structures would be added to a view that already contains significant industrial features and represent a relatively small intensification of the site. It is also acknowledged that the proposed planting belts would screen the views in the longer term. An appropriate choice of materials and colours for the structures and buildings would also help to dissolve the impact of the proposed development into the existing landscape. I therefore suggest that such details be required by condition.

Noise

39. Local residents have expressed concern at the noise levels generated at the site. Detailed noise projections for the construction and operational phases of the proposal have been undertaken. My noise consultant has advised that subject to an hours of operation restriction during construction and the noise parameters for the proposed plant and equipment being adhered to, there would be no objection to the proposal. The Applicants have further offered to carry out another background level survey and post commissioning level survey to ensure that predicted levels are achieved.

Conclusion

40. The site has been used for treating wastewater since the early 1900's, and has expanded over the years to meet the needs of the area. The proposed additional tertiary treatment units are required as part of an essential upgrade of the wastewater treatment in order to achieve improvements in water quality to meet the modified discharge consent which has already been approved by the Environment Agency.
41. The existing sludge treatment facilities in Kent are insufficient to meet future needs resulting from more stringent standards and population growth. The Applicants in reviewing their Sludge Strategy for Kent have identified a need to extend treatment capacity and capability for both east and west Kent. 'Doing nothing' is not an option because it would lead to significant volumes of sludge either not being treated to the required standard for recycling to agricultural land, or not being treated at all. The Ashford SRC is designed to deal with the increase in sludge arising in both the Ashford and Weatherlees (including the new Margate and Broadstairs works) catchments. This site has been chosen following a comprehensive sustainability appraisal of alternative treatment and location options.

Item C2

New tertiary wastewater treatment facilities and new sludge digestion and drying facilities built alongside the existing treatment facilities at Ashford Wastewater Treatment Works and Sludge Recycling Centre – AS/06/243

42. There is considerable policy support for the provision of improvements to the wastewater infrastructure. It is acknowledged that the water industry is required to meet the increasingly stringent standards for water quality and recycling of sludge set out in European directives. The need for the development is outlined above and given the policy support for such infrastructure improvements is considered in principle to be in accordance with the development plan. There is of course, always the potential for significant environmental impact resulting from such proposals and the choice of site. However I am satisfied that with appropriate mitigation as discussed above the proposed improvements are both necessary and acceptable and hence recommend that planning permission be granted.

Recommendation

43. I RECOMMEND that PLANNING PERMISSION BE GRANTED subject to conditions covering amongst other matters, time limit, details of materials, hours of operation for vehicle movements, pre and post operation noise level surveys, submissions of a travel plan, submission of a site management plan, submission of a code of construction practice, submission of an Odour Management Plan and its prior approval, limits to the number of HGV's accessing the site during peak periods, mitigation measures for ecological interests and landscaping details.

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| Case Officer: Andrea Hopkins |
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| Background Documents - see section heading |
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Item C3**Application for a Certificate of Lawfulness for an existing use for a concrete and skip business and sorting, separation and re-use of inert and semi-inert waste materials, with associated storage, plant, machinery and parking at Kemberland Wood, Fox Hill, Herne Bay Road, Sturry, Kent – CA/06/00523**

A report by Head of Planning Applications Unit to Planning Applications Committee on 20 June 2006.

Application by Mr M. Thomas for a Certificate of Lawfulness for an existing use for a concrete and skip business and sorting, separation and re-use of inert and semi-inert waste materials, with associated storage, plant, machinery and parking at Kemberland Wood, Fox Hill, Herne Bay Road, Sturry.

Recommendation: Refuse

Local Member: Mr A.Marsh

Classification: Unrestricted

Site

1. The site is located in open countryside near Sturry on the A291 between Herne Bay and Canterbury. It consists of a yard to the east of the road from which access is taken. The site is bounded to the immediate east by a wood and to the south by a public right of way. Two bungalows are in close proximity to the yard. The site has an extended office building and a large open storage barn. Around the site perimeter are various structures and open storage areas, including piles of hardcore, bricks and timber and material storage bays. There are also parked skips and a selection of plant and machinery on the site. It is claimed that a screener and crusher is brought onto the site as required.
2. A section of the woodland has been cleared and has been the subject of tipping and negotiated remedial works. There is a garden nursery diagonally opposite the site. I attach a site location plan.

Background

3. Kemberland was purchased in October 1985 and an existing concreting business (Wee Mix Concrete) was transferred to the site. The use has continued there to date. A skip business (now Wee Skips) involving the hiring out of skips has covered a similar time span. The planning status of these two business elements was recognised in 2004, when Canterbury City Council issued a Lawful Development Certificate on the site for: *'land as a concrete and skip business'*. It is now claimed that the application for lawful status should have included an alleged situation where loaded skips returned to the site for sorting, separation, screening and crushing, followed by dispatch for re-use or landfill.

Item C3

Application for a Certificate of Lawfulness for an existing use for a concrete and skip business and sorting, separation and re-use of inert and semi-inert waste materials, with associated storage, plant, machinery and parking at Kemberland Wood, Fox Hill, Herne Bay Road, Sturry, Kent – CA/06/00523

4. This use has allegedly expanded to include loaded skips arriving on site from other construction/road haulage/building companies. Metal, timber, topsoil and concrete is apparently reused by Wee Mix Concrete for groundworks or sold in bulk to other local firms.

Application

5. A Lawful Development Certificate (LDC) is sought under S191 of the 1990 Town & Country Planning Act:

“...an existing use for a concrete and skip business and sorting, separation and re-use of inert and semi-inert waste materials, with associated storage, plant, machinery and parking.”

The application was initially submitted to Canterbury City Council in an attempt to extend the scope of the original Certificate issued by them. However, the City Council referred the application to this Authority given the waste related content.

6. In addition to the certified concrete and skip business uses, lawful status is sought for a third primary / waste related activity. That claimed use includes materials screening and crushing.

Procedure

7. In the normal course of events, applications, which come before this Committee, are determined on their individual planning merits. In this instance, an application has been made, which seeks lawful status for claimed planning uses on the site. Whether that can be successfully argued or not depends solely on the facts of the case. Issues of planning merit or demerit, enforcement aspects or development ambitions for the site cannot be taken into account. If issued, planning permission would not be granted. Instead, effective immunity from enforcement action would be acquired within the strict confines of any substantiated lawful elements.
8. To achieve lawful status, the same discrete planning use has to be carried out over the same planning unit, to the same scale and level of intensity / throughput, for a continuous period of no less than 10 years.
9. It is incumbent on the applicant to submit documentary evidence in an attempt to meet this planning law test. Verifiable evidence counts towards the granting of a LDC. Contradictory evidence within the application itself along with countervailing evidence gathered by the determining Authority detracts from the issuing of a Certificate. The County Council's powers in responding to the current application are to either grant the certificate on the basis of the description of the use submitted; grant a certificate on the basis of an amended or substituted (by this Authority) description; or to refuse the application. The onus of proof, to the standard of “balance of probabilities” is on the applicant. A right of appeal applies.

Item C3

Application for a Certificate of Lawfulness for an existing use for a concrete and skip business and sorting, separation and re-use of inert and semi-inert waste materials, with associated storage, plant, machinery and parking at Kemberland Wood, Fox Hill, Herne Bay Road, Sturry, Kent – CA/06/00523

Evidence submitted

10. In making his claim for a further waste related lawful use on the site the applicant relies principally on 11 testimonial letters from the range of companies alluded to in paragraphs 4 and 5 of this report. In addition there are three small photocopies of aerial photographs dated 12th July 1990, 24th July 1995 and 30th April 1999. I shall make these available in the Members Suite before the Committee Meeting.

Consultations

10. I have sought the evidential assistance of Canterbury City Council, Sturry Parish Council and the Environment Agency in processing the application.
11. **Canterbury City Council:** comment that the site was visited in connection with the original Lawful Use Certificate application but unfortunately they *'have no knowledge or recollection as to whether there was or was not any sorting or separation of materials going on at the time...'*
12. **Environment Agency:** comment that *'we are unable to refute or confirm whether a skip business and waste transfer station have been operated from this site continuously and at the same intensity over the last 10 years. This is because we only become aware of raised issues through complaints made in April 2003, that waste activities were being carried out at the site.'*
13. **Sturry Parish Council:** *'has no records of the continuous and intensive use of this site, but feels that the use of this site has been growing over the years and permissions have been granted retrospectively, which is a dangerous practice'*.
14. **County Solicitor:** is in accord with Counsel's opinion, which in line with my own observations considers the evidence in the testimonial letters, which form the main documentation in the case to be *'vague, non-specific and not substantiated with evidence normally to be expected'*.

Counsel further advises that it is usual for evidence of this sort to be provided in the form of statutory declarations. In summary, Counsel has said that: *'I share the Council's view on the strength of the evidence submitted, that is it is weak and not enough to allow for granting of the certificate as applied for. I also take the view that the Council is correct to communicate with the applicant setting out its position informally before determining the application.'*

Local Members

15. The Local Members, Mr Alan Marsh was advised of the application on 10th April 2006.

Item C3

Application for a Certificate of Lawfulness for an existing use for a concrete and skip business and sorting, separation and re-use of inert and semi-inert waste materials, with associated storage, plant, machinery and parking at Kemberland Wood, Fox Hill, Herne Bay Road, Sturry, Kent – CA/06/00523

Discussion

16. The starting point for Members is the Lawful Development Certificate issued by Canterbury City Council in 2004. Additional certification is now sought for a three-way process: the importation of inert and semi-inert waste materials; on site processing (sorting, separation, screening and crushing) of materials and dispatch of recycled materials.
17. The County Council has to satisfy itself that the waste related use claimed in the current application is an independent primary use forming part of the composite use at the site. I have approached my evidential assessment on that basis.
18. As quoted in paragraph 14 of this report, Counsel in line with my own observations considers the evidence submitted in support of the application to be scant and generic in character. Points in time are mentioned but a continuity of use is not in my opinion demonstrated. There are no accompanying invoices or waste transfer notes (required by the Environment Agency to document the transit of controlled wastes) from either the applicant / landowner or customers to support the broad claims being made. In addition to this, Statutory Declarations have not been included and the black and white photocopied aerial photographs are of a scale that it is difficult to elicit any determining information.
19. In my opinion, there is no substantive evidence of continuous screening and crushing activities. Instead, an ad hoc activity is presented.
20. I have sought the evidential assistance of Canterbury City Council, Sturry Parish Council and the Environment Agency in processing the application. Canterbury City Council has adopted a neutral stance on the application and the Environment Agency apparently did not know of the site before April 2003. Sturry Parish Council is not aware of a continuous lawful use.

Conclusion

21. In conclusion, the application before Members has to be determined solely on the facts of the case as presented. My assessment of the evidence as submitted, under advice from the County Solicitor and Counsel is that lawful status for an independent waste related use at the site has not been substantiated. The City Council could otherwise advise the applicant on any further business use that might be possible on the site, as an alternative to a waste management use.

Item C3

Application for a Certificate of Lawfulness for an existing use for a concrete and skip business and sorting, separation and re-use of inert and semi-inert waste materials, with associated storage, plant, machinery and parking at Kemberland Wood, Fox Hill, Herne Bay Road, Sturry, Kent – CA/06/00523

Recommendation:

22. **I RECOMMEND** that a Certificate of Lawfulness is not issued for the claimed waste related uses at this site on the grounds that:

“The documentary evidence as submitted fails to demonstrate that a new primary waste related planning use, has been conducted on the site, to the same scale and level of throughput and intensity, continuously over the minimum 10 year qualifying period”.

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| Case Officer: Robin Gregory | 01622 221067 |
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| Background Documents - see section heading |
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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposal dossier for each case and also as might be additionally indicated.

Item D1

New Primary School for Seabrook C of E Primary School, at land off Eversley Road, Seabrook, Hythe – SH/06/408

A report by Head of Planning Applications Group to Planning Applications Committee on 20 June 2006.

Application by Kent County Council Education and Libraries Committee for a new 0.5 FE primary school for Seabrook C of E Primary School, with associated playing field, parking and turning facilities, access road and new level games pitch at Land of Eversley Road, Seabrook, Hythe. (Ref: SH/06/408)

Recommendation: Recommend that the application be referred to the First Secretary of State as a departure from the Development Plan, and that subject to his decision, planning permission be granted.

Local Member(s): Mr C. Capon

Classification: Unrestricted

Site

1. The existing Seabrook School is a Church of England 0.5 form entry Primary School located on Seabrook Road in Hythe. Construction of the school was completed in 1897 and the building has since been extended. The existing building sits within a predominately residential area and has a public footpath to its southern boundary, with the Royal Military Canal beyond. The proposed site for the new Seabrook Primary School is located on an open piece of land within Seabrook, accessed from Eversley Road. The site is currently used by the school as a playing field, and is open to the local community. The site shares boundaries with the rear gardens of the residential properties fronting Spring Lane to the north, Bridle Way and Ian's Walk to the South, Quarry Walk to the west and Eversley Road to the east. The site extends to the footway to the south east corner, where Eversley Road joins Ian's Walk.
2. The site has a protected wooded area to the north (Policy LR9 of the Shepway District Local Plan Review), which is distinguished from the remainder of the site which is classified as playing fields under Policy LR12 of the Shepway District Local Plan Review. The wooded area shares its boundary with the rear gardens of properties along Spring Lane. A steep bank lies to the west of the site, adjoining the boundaries of the properties in Quarry Walk, and is densely foliated. The surrounding properties are a mixture of traditional pitched roofed two storey brick and render detached and semi-detached properties. The properties along Quarry Walk are predominately single storey, although the ground level at the top of the bank is approximately 6 metres higher than the ground level at the base of the bank. The site has oblique sea views in a southerly direction. A site plan is attached.

Background

3. The applicant advises that the existing school building has a number of problems, including:

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposal dossier for each case and also as might be additionally indicated.

Item D1

**New Primary School for Seabrook C of E Primary School,
at land off Eversley Road, Seabrook, Hythe – SH/06/408**

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Item D1

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New Primary School for Seabrook C of E Primary School, at land off Eversley Road, Seabrook, Hythe – SH/06/408

- The use of mobile classrooms as permanent classrooms;
 - Due to a lack of playing field on the site, staff and pupils must be escorted some distance to the designated playing field situated off Eversley Road;
 - The school is located on the busy A259 Seabrook Road, which is a heavily used road of major importance to the road network between Folkestone and Hythe;
 - The School has restricted external play areas which are in need of repair;
 - The School has no provision for shared or external teaching areas;
 - Steps into and around the school prevent easy access for disabled users and visitors;
 - A lack of storage space;
 - Limited space for IT and Library resources;
 - Staff toilets are inadequate;
 - Teaching staff are currently required to undertake their allocated PPA time at home due to a lack of designated space.
4. In order to generate the required revenue for the new Seabrook School on the Eversley Road site, planning permission is required for the residential development of the Church Hall and the existing Seabrook School site, as well as 8 new houses at the Eversley Road site. The proposals for the above sites have been submitted to Shepway District Council in the form of separate outline planning applications, with additional detail proposed for the housing behind Eversley Road.

Proposal

5. This application has been submitted by Kent County Council and proposes the erection of a new 0.5 form entry Primary School, with associated playing field, parking and turning facilities, access road and new level games pitch. A number of factors have contributed to the design of the school, including Kent County Council's design brief, and the DfES Building Bulletin 82 'Area Guidelines for Schools'. The application is accompanied by a design statement, which identifies the following as the key principles which have informed the development of the design:
- Respect for the natural setting of the site and its surroundings, and retention of a quality area of open space for use by the community and the school.
 - The creation of a school which inspires its pupils and creates an excellent environment for learning.
 - The building should be functional, durable and environmentally friendly.
 - The building should be low impact and respect the privacy and views of surrounding residents.
 - All highway issues to be addressed, including adequate on site parking for staff and visitors and the development of a school travel plan, which includes management strategies for a drop off/pick up zone and a walking bus.
6. The application is also accompanied by supporting reports, including a protected species risk assessment, a school travel plan, a study of potential school trip generation, a traffic noise impact assessment and vehicle tracking data. In addition, the applicant has included a statement of community involvement, which details public meetings and consultations that were held with local residents prior to submitting the planning application. The applicant advises that various concerns arose from these meetings, and that the submitted application aims to address these issues.
7. The location of the new school has been influenced by the natural terrain of the site, and the requirement to provide a secure environment and adjoining play areas. The

New Primary School for Seabrook C of E Primary School, at land off Eversley Road, Seabrook, Hythe – SH/06/408

proposed school building is located in the southwest corner of the site to the rear of the houses in Quarry Walk, Ian's Walk and Bridle Way. The purpose built school would provide improved facilities for existing staff and pupils, including an adjoining playing field, games pitch, and secure hard play areas. A new hall would be available for community events, and a self contained nursery would be incorporated into the school building.

8. The proposed school is single storey and low profile, and positioned within a naturally occurring 'dip' in the site. The applicant advises that the siting of the building would minimise the impact of the school, and that the hall, which is the tallest element of the school, remains at a height that would not impede existing sea views from properties in Quarry Walk. In addition, external materials have been chosen on the basis of being durable and low maintenance, and include cedar cladding, self-coloured render, and large areas of glass.
9. When considering the general internal arrangement of the school, it was considered that the classrooms should have views of either the sea or the surrounding natural setting. In order to achieve this, all the classrooms, with the exception of the Foundation class, would be located at the front of the building. The spaces that are less relevant such as stores, toilets, kitchen and hall are proposed to the rear of the building. The main entrance to the school would be centrally located on the front elevation, and the nursery would have its own separate and secure entrance. The nursery would be located next to the Foundation classroom and would have its own office, staff area and facilities. The nursery and adjoining Foundation class would benefit from covered play areas which utilise the overhang of the roof.
10. The hall would be located at the centre of the school, the proportions of which have been carefully considered to create a space which could be used for a variety of functions at different times of the day or evening. The hall can be divided into two separate areas which would enable organised community facilities to occur during the day whilst the school is in operation. The School would have lockable internal doors, which would close off the classrooms and other areas of the school, yet permit community access to the foyer, toilet facilities and the hall.
11. The school's hard play areas would be wrapped around the building, and naturally contained by the existing bank to the west of the site. This location would allow the pupils to have a secure area to play, separated from the games pitch and the vehicular access to the front of the building. A playing field would be located in the north west corner of the site, contained within a secure perimeter fence. This secure fence would extend around the perimeter of the school and its associated hard play areas. The applicant advises that, in response to the design brief, provision has been made for the school to be extended to the north to form a 1FE school if required in the future.
12. The protected wooded area to the north of the proposed school, and the embankment to the rear/west of the site would be subject to a Woodland Management Scheme. The applicant states that as the wooded area is protected under Local Plan Policy LR9, all trees would be maintained and no trees would be felled unless deemed absolutely necessary by a health and stability survey. However, it is proposed that a small proportion of the low level dense foliage be manicured so that access can be gained by members of the public in order to provide a pleasant area for community use. A nature trail/sensory perception area would be created for pupils of the proposed school.
13. The school building, hard play areas and playing field have been located to the rear of the site, to allow car parking, drop off/pick up, access and a level games pitch to be

New Primary School for Seabrook C of E Primary School, at land off Eversley Road, Seabrook, Hythe – SH/06/408

located to the front of the proposed school. This would maintain the existing 'green gap' in the street scene, and allow the games pitch to be easily accessed from Ian's Walk/Eversley Road without compromising the security of the school. This games pitch would not be enclosed, and would be fully accessible to the public at all times. Levelling would be undertaken by cut and fill such that the upper end of the slope, nearest the school, would be cut providing a steep embankment between the school and the pitch, whilst the material cut would be deposited at the lower level raising land levels. Ball stop fencing is proposed behind the goal on the Eversley Road end of the pitch in order to prevent balls reaching the highway.

14. The proposed school would be accessed from Eversley Road, which connects to Spring Lane and Horn Street. Vehicular access to the site would run parallel to the north side of the games pitch, alongside a designated footway and cycle path. A bank and planted buffer zone would separate the edge of the pitch from the footway and the vehicular access, which extends into the site to a designated drop-off and parking area. The access road would be constructed to serve both the school and to provide access to the proposed development of 8 houses (application reference Y06/0287/SH, to be determined by Shepway District Council). The drop-off and parking area would be located to the rear of those 8 houses in order to reduce its visual impact.
15. The applicant proposes to provide 15 car-parking spaces for staff and visitors, including 2 disabled parking bays. 3 secure covered cycle parking spaces are proposed. A designated mini-bus drop-off bay would be located close to the main entrance to the school, which would connect to a 1.8 metre wide raised footway leading to the school entrance. A turning head with drop off bays is also proposed. Secure gates are proposed to the entrance of the school, past the turning for the 8 proposed houses, and raised pedestrian crossings would be provided either side of the access road for the 8 houses. A buffer zone is proposed to the north of the access drive, which would separate the access road from the closest residential property. This zone would incorporate a new planting scheme.

Planning Policy

16. The Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **The Adopted 1996 Kent County Structure Plan:**

Policy S1 - Local Planning Authorities will seek to achieve a sustainable pattern and form of development.

Policy S2 – Seeks to conserve and enhance the quality of the environment.

Policy S9 – In considering development proposals, local authorities will have regard to the need for community facilities, including education.

Policy ENV2 – Kent landscape and wildlife (flora and fauna) habitats will be conserved and enhanced.

Policy ENV7 – It is policy to maintain tree cover and the hedgerow network in the County, and enhance these where compatible with the character of the landscape.

New Primary School for Seabrook C of E Primary School, at land off Eversley Road, Seabrook, Hythe – SH/06/408

Policy ENV15 – New development should be well designed and respect its setting.

Policy ENV16 – The need to make the best use of land in built up areas will be balanced against the objective of maintaining, and where possible improving, urban environmental quality.

Policy NR3 – Development will not be permitted which would have an unacceptable effect on the quality or potential yield of groundwater resources.

Policy NR4 – Development which will lead to a material deterioration in the quality of surface water, will not normally be permitted.

Policy T17 - Development will normally be required to provide for vehicle parking on site in accordance with Kent County Council's Vehicle Parking Standards.

Policy T20 – Before proposals for development are permitted, the Planning Authority will need to be satisfied that any necessary transport infrastructure, the need for which arises wholly or substantially from the development in question, are in place or are certain to be provided.

(ii) **The Kent & Medway Structure Plan: Deposit 2003:**

Policy SP1 - Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development.

Policy QL1 – Seeks to conserve and enhance the environment through the quality of development and design.

Policy QL3 - Local Authorities will establish priorities and programmes for the provision of safe pedestrian and cycle routes to schools.

Policy QL12- Provision will be made for the development of local services, including schools, in existing residential areas. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

Policy QL13- New community services will be located where they are accessible by walking and cycling and public transport from the area they serve. Whenever practical they will be located in town, district or local centres.

Policy TP19 - Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council and Medway Council.

Policy E3 - Kent's landscape and wildlife habitats will be conserved and enhanced.

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Policy E8 - Important wildlife habitats and species will be protected, maintained and enhanced, especially through long term management and habitat creation schemes.

Policy E 9 - Tree cover should be maintained, and where it would improve the landscape, enhanced.

Policy NR7 – Development will not be permitted where it would give rise to an unacceptable impact on the quality or yield of Kent's ground water resources.

(iii) **Shepway District Local Plan : to 2001**

Policy INT1 - All development proposals should take full account of the need to protect the environment so that present day needs do not compromise the ability of future generations to meet their own needs.

Policy LR8 - The District Planning Authority will seek, where appropriate, the multiple use of School recreational facilities.

Policy LR12 -Areas of open space with recreation or leisure value as identified on the proposals map will be safeguarded. Development proposals which would result in a net loss of such space will be refused unless sufficient alternative open space exists or will be provided, or the proposal is the best means of securing an alternative recreational facility of equivalent community benefit having regard to any deficiencies in the locality.

Policy BE1 – A high standard of layout, design, and choice of materials will be expected for all development in the plan area. Building form, mass, height and elevational details should be considered.

Policy BE14 -The District Planning Authority will require development proposals to retain important existing landscape features and make appropriate provision for new planting.

Policy TR4 - Proposals for new development which would attract vehicle traffic will be required to provide operational vehicle parking off street.

(iii) **Shepway District Local Plan Review: Revised Deposit Draft 2002**

Policy SD1- All development proposals should take account of the broad aim of sustainable development.

Policy BE1 – A high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. Building form, mass, height and elevational details should be considered.

New Primary School for Seabrook C of E Primary School, at land off Eversley Road, Seabrook, Hythe – SH/06/408

Policy BE16 -The District Planning Authority will require development proposals to retain important existing landscape features and make appropriate provision for new planting.

Policy SC2 - The District Planning Authority will grant planning permission for new or improved social and community facilities where the proposal meets set criteria relating to compatibility with surrounding land uses, access, access for disabled people and acceptability on highway, infrastructure and environmental terms.

Policy LR9 - Areas of open space of recreation, leisure or amenity value or potential as identified on the proposals map will be safeguarded. Development proposals which would result in a net loss of such space will be refused unless sufficient alternative open space exists, the development does not result in an unacceptable loss in local environmental quality, or the proposal is the best means of securing an improved or alternative recreational facility of equivalent community benefit having regard to any deficiencies in the locality.

Policy LR12 – Proposals resulting in the loss of playing fields will only be permitted where development would not cause an unacceptable loss in local environmental quality and where it also accords with the following criteria:

- a) Sufficient alternative open space provision exists, or new sport and recreational facilities will be provided.....
- b) The land required is for an alternative educational purpose which cannot reasonably be met in another way.

Policy LR13 -The District Planning Authority will seek, where appropriate, the multiple use of School recreational facilities.

Policy TR12 -Proposals for new development will only be permitted if provision is made for off street parking in accordance with the current maximum vehicle parking standards.

Consultations

17. Shepway District Council: raises no objection, but make the following comments:

- 1) Shepway District Council consider that in order to overcome the harmful effects of the development on the occupants of no. 25 Ian's Walk, the cut and fill pitch should be amended such that the finished lower level is much reduced and such that anyone standing on the finished pitch would not be able to look directly into the garden of this property.
- 2) A Landscaping Scheme for the site shall include the embankment to the western boundary of the site, and shall provide dense planting of trees and shrubs along the southern boundary.
- 3) It is suggested that, prior to commencement of development, a written report from a specialist soil consultant is obtained to confirm that the land is suitable for the development proposed, and identifying any works necessary for the stabilisation of the

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land, and adjoining land. Any identified works, including the construction of any retaining walls, should be implemented before occupation of the building.

4) The application site shall be subjected to a detailed scheme for the investigation and recording of site contamination, and a report submitted to and approved by the Planning Authority.....Upon completion of the works a closure report shall be submitted to and approved by the Planning Authority, which shall include details of the works, and certification that the works have been carried out in accordance with the approved methodology.....Any material brought onto the site shall be certified clean.

Hythe Parish Council: wishes to see the application approved

The Divisional Transport Manager: comments as follows:

1. Whilst I accept that the location of the drop off zone gives a greater length of internal access road to reduce the likelihood of vehicles waiting on Eversley Road/Ian's Walk, I still have concerns that parents will be tempted to stop at this point rather than continue round to the drop off zone. However, the provision of 'school keep clear' markings in relation to the crossing point near the school gates would help to resist this temptation.

2. One raised crossing should be provided in the position shown near the school gates with the footway on the north side of the access road continued up to it.

3. I note that the width of the shared footway/cycleway has been reduced from 3m. This is not acceptable as the minimum width necessary is 2.5m plus a 0.5m safety margin adjacent to the carriageway. Bearing in mind the proposal is for a primary school and there are no off road cycleways leading to the site, the applicant may want to consider how many pupils are likely to be allowed to cycle to school and whether or not the provision of a cycleway is appropriate.

4. I note the path gradient of 5 degrees referred to in the letter to the DDA Section. The applicant should note that the gradient for the adoptable access road should be no greater than 4% for a distance of twice the kerb radius from the junction with Eversley Road, and thereafter no steeper than 6% (or up to 10% if unavoidable due to local topography).

5. I confirm I have no objection to the proposals subject to resolution of the above and suitable conditions to secure the following:

- Provision and retention of car parking, cycle parking & turning areas as indicated
- Provision by the applicant of dropped kerbs and tactile paving at the Naildown Road/Horn Street, Bridle Way/Ian's Walk & Owens Close/Ian's Walk/Eversley Road junctions
- Funding by the applicant to implement 'school keep clear' markings at the third of the above locations and at the crossing point near the school gates
- Provision and retention of 60m (south) x 2m x 70m (north) visibility splays at the new access onto Eversley Road
- The provision of a travel plan, to be agreed and implemented prior to the school opening
- The provision and implementation of traffic management measures for construction traffic, including lorry routing, wheel washing facilities, parking for site personnel, etc.

The Environment Agency: raises no objection, but requests conditions be placed on any subsequent decision in order to protect groundwater quality. In addition, a number of detailed comments regarding surface water drainage, foul drainage, protection of Source Protection Zones, water conservation, contaminated land and storage of fuel, oil and chemicals are made.

Biodiversity Officer: broadly agrees with the risk assessment and states that provided the woodland area, onsite trees and the embankment are not encroached upon by the

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development then direct impacts to biodiversity are unlikely. The proposed precautionary mitigation for reptiles should protect any reptile interest. We would also support the precautionary approach to avoid impacts to breeding birds - if any vegetation has to be removed this should occur outside of the breeding season March–end July. These mitigation issues should be addressed with conditions.

Opportunities for enhancing the biodiversity value of the site and providing a valuable educational resource should be included. We would recommend the inclusion of biodiversity features such as native tree and shrub plantings and the provision of bat and bird boxes within the built and surrounding natural environment. We would also encourage the enhancement of the woodland and embankment area as nature study areas/community areas. Planned active management of the woodland and bank area should be included within a habitat management plan, which should be a condition on any planning permission. This plan must be submitted for approval, prior to commencement of operations. A reptile presence/absence survey of the embankment would be wise to guide its future management.

Sport England: states that whilst the proposal would result in the loss of a significant part of a playing field, the provision of a good quality mini pitch with a Community Use Agreement would be a benefit. That should be a condition of any planning consent. A further condition should be added requiring details of all works to provide the new pitch to be submitted for approval, which must be in accordance with Sport England's guidance.

Local Member

18. The local County Member, Mr C. Capon, was notified of the application on the 17 March 2006.

Publicity

19. The application was publicised by the posting of a site notice, advertisement in a local newspaper, and the individual notification of 60 nearby properties.

Representations

20. To date 13 letters of representation have been received from 9 neighbouring properties. The main comments/points of concern and objection can be summarised as follows:

- The open space at Eversley Road is a recreational area widely used by local residents, both adults and children, and is the only open space available locally.
- Development of this site is contrary to Local Plan Policies, including Policy LR12.
- Ian's Walk and Eversley Road are narrow residential streets, with cars parked on both sides, making them hard to negotiate in a car.
- Local Roads will not be able to accommodate the increased traffic generated by the school, and associated construction works. This will be hazardous to pedestrians and increase the risk of traffic accidents.
- Parents picking up/dropping off children will park in local roads, adding to current parking problems.
- Local road junctions, such as the junction between Nail Down Road and Horn Street will not be able to cope with construction vehicles, and increased use by traffic associated with the school.
- A formal review of the traffic situation should be undertaken annually for three years.

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- A double yellow line should be placed along the frontage of the school site, and 100m either side.
- Suggestion is made that the playing field be used for overspill car parking.
- Any damage to parked cars, road surfaces and/or pavements caused by construction vehicles should be made good at no cost to local residents.
- Construction works will create noise, dust, inconvenience and nuisance to neighbouring residents.
- Searches revealed a presence of Radon Gas at the site as it is hoped that this has been taken into consideration.
- Insufficient on site car parking is proposed.
- If permitted, the whole community should be involved in planning walking buses etc. which encourage less reliance on the car. The Travel Plan should be implemented.
- Sea views from local residential properties must be retained.
- Local residential amenity would be detrimentally affected, with noise generation, loss of privacy and loss of open space.
- The school should be built to the right hand side of the field (i.e. to the north).
- Community use of the school will generate traffic and noise in the evenings, possibly until late.
- A large Oak tree on site could collapse, which would damage the school building.
- The bank at the rear of the site needs to be managed by KCC.
- The development would impact upon the woodland area to the north of the site, which is home to many birds and animals.
- Opening up areas in the woodland may encourage vandalism and security implications.
- Sufficiently high fencing should secure the site, including the playgrounds at the rear, to prevent pupils from climbing the bank which would invade the privacy of local residents, and pose a health and safety risk.
- Objection is raised to the enabling housing developments.
- Have other options been considered, such as other sites for a new school, or redeveloping the existing school.
- KCC purchased this land many years ago with the view to building a school on it, but due to cultural changes over the years, it is felt that this site is no longer suitable for this purpose.

Discussion

21. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (16) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon residential and local amenity, highway and traffic implications, visual impacts and possible effects on the local environment, particularly the loss of open space.
22. Policies S2 and ENV15 of the Adopted Kent Structure Plan, SP1 and QL1 of the Deposit Kent and Medway Structure Plan, INT1 & BE1 of the Shepway District Local Plan: to 2001, and SD1 & BE1 of the Shepway District Local Plan Review: Revised Deposit Draft 2002, seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly relevant to this site which is within the built confines of Seabrook, and bound by residential properties.

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23. As previously mentioned, the application site is within an area designated as open space with recreation or leisure value, as safeguarded in the Shepway District Local Plan: to 2001, under Policy LR12. The Shepway District Local Plan Review: Revised Deposit Draft 2002, splits the site into an area of open space of recreation, leisure or amenity value, as designated under Policy LR9, and playing fields, as designated and protected under Policy LR12. The proposed school and its associated playing fields, games pitch and access road lie within the boundary of Policy LR12, whereas the wooded area to the north of the site is protected under Policy LR9 of the Local Plan Review. All of these policies have a presumption against development and, therefore, this application has been advertised as a departure from the Development Plan and the matter would need to be referred to the Secretary of State for his consideration, should Members be minded to permit. In assessing the proposal the policies detailed above, particularly those concerning the loss of open space and/or playing field, need to be considered more closely to establish whether or not there are special circumstances that would warrant setting aside the general presumption against development.

Loss of open space/playing field

24. Policy LR12 of the Shepway District Local Plan: to 2001, states that development proposals which would result in a net loss of open space will be refused unless sufficient alternative open space exists, or will be provided. In addition, if the development proposal is the best means of securing an alternative recreational facility of equivalent community benefit, permission may not be refused. This is amplified by Policy LR9 of the Shepway District Local Plan Review: Revised Deposit Draft 2002, which applies to the wooded area to the north of the site. The remainder of the site, within which the new school and its associated infrastructure is proposed, is protected under Policy LR12 of the Shepway District Local Plan Review: Revised Deposit Draft 2002. This policy states that proposals resulting in the loss of playing fields will only be permitted where development would not cause an unacceptable loss in local environmental quality, and where set criteria are met. These criteria include the provision of alternative open space, or new sport and recreational facilities, or that the land required is for an alternative educational purpose which cannot reasonably be met in another way. Therefore, the proposed location of new school needs to be considered, in light of the above policies, to ascertain whether the proposal would result in an unacceptable loss of open space and/or playing field.

25. First, I will consider the proposal in relation to Policy LR12 of the adopted Shepway District Local Plan. The policy states that development proposals which would result in a net loss of areas of open space, with recreation or leisure value, will be refused unless sufficient alternative open space exists, or will be provided. Should members be minded to permit, the construction of a school on this site would result in the loss of an area of open grassland, which is currently used by local residents and the existing Seabrook School. The loss of this land has met with local objection. However, the applicant states that the site currently provides approximately 1.24ha of usable space, which slopes steeply from west to east and has no marked pitches or play facilities of any description. The proposed level games pitch, located to the front of the site, would not be secured in any way and would therefore be available for community use at any time. Should members be minded to permit, the games pitch would be subject to a Community Use Agreement, which would be conditioned on any subsequent decision. The applicant states that the games pitch would provide approximately 3260sqm of quality space, compared with the 3000sqm of reasonably level space upon which ball sports can satisfactorily be played. In addition to the games pitch, the applicant is proposing to open up the wooded area to the north of the site to enable public access. As the wooded

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area is protected under Policy LR12 of the Shepway District Local Plan, and Policy LR9 of the Shepway District Local Plan Review, all trees would remain but a small proportion of the low level dense foliage would be removed/manicured. The applicant claims that this would allow members of the public to access the wooded area, which would be a pleasant area for walkers. It is expected that approximately 3140sqm of space would be provided by opening up this wooded section of the site. Therefore, the applicant states that only 0.6ha of open space may be lost should this application be permitted, and that the remaining areas of open space that would be available for public use would be of a higher quality and significantly improved from its current state. Policy LR12 of the Shepway District Local Plan states that development proposals will be refused unless sufficient open space exists, or will be provided, or the proposal is the best means of securing an alternative recreational facility of equivalent community benefit. In the light of this, I would suggest that the applicant has taken all reasonable efforts to provide alternative recreational facilities/open space, which can be argued is of better quality than the existing. Therefore, the proposal would not have a significantly detrimental effect on the open space available, or be contrary to the initial principles of Policy LR12 of the Shepway District Local Plan: to 2001.

26. In addition to this, the Shepway District Local Plan Review: Revised Deposit Draft 2002, splits the site into two areas, which are under separate designation on the proposals map. The wooded area to the north of the site is protected under Policy LR9, which amplifies Policy LR12 of the Adopted Local Plan, discussed above. As the wooded area is not impacted upon by construction activities, moreover it will be enhanced and managed within a Habitat Management Plan (to be submitted under condition), and the woodland would be opened up to make it a usable open space, there would be no net loss of open space, rather an increase. Therefore, this proposal is in accordance with the general principles of Policy LR9 of the Shepway District Local Plan Review: Revised Deposit Draft 2002.
27. However, the remainder of the site is designated as playing field under Policy LR12 of the Shepway District Local Plan Review: Revised Deposit Draft 2002. This Policy states that proposals resulting in the loss of playing fields will only be permitted where development would not cause an unacceptable loss in local environmental quality, and where it accords with certain criteria. As the proposed school would be located on the playing fields currently used by the existing Seabrook School, these criteria need to be discussed. First, it is stated within Policy LR12 that development will be permitted if sufficient alternative open space provision exists, or new sport and recreational facilities would be provided. As discussed in paragraph 24 above, the applicant has demonstrated that alternative open space would be provided, including a new level games pitch which would be available for public use and subject to a Community Use Agreement. In addition to this, the proposed school would have a secured playing field and hard play areas, which would aid in maintaining an open feel to the site, and provide further sports and recreational facilities for the school. Therefore, I consider that this proposal accords with this criterion of Policy LR12 of the Shepway District Local Plan Review.
28. The second applicable criteria states that development proposal will only be permitted where the land is required for an alternative educational purpose which cannot reasonably be met in another way. As listed in paragraph 2 of this report, there are a number of problems associated with the existing school building, and the applicant states that through refurbishment it would not be possible to bring the school up to current standards, whilst providing sufficient external space. Prior to design competition stage, Kent County Council assessed the availability of local land, and the most appropriate site to allocate for development. The site has been allocated by Kent County

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Council for educational purposes for some time, and the applicant suggests that there are no other suitable alternative sites. In addition, the site is centrally located for the current pupils and is close to the existing school on Seabrook Road. Therefore, the land is required for an alternative educational purpose, which cannot reasonably be met in another way, and subsequently the development accords with the general principles of this criterion to Policy LR12 of the Shepway District Local Plan Review.

29. I consider that this proposal accords with both the relevant criteria of Policy LR12. However, the policy also states that proposals will only be permitted where they would not cause an unacceptable loss in local environmental quality. The following sections of this report will discuss the design and siting of the development, impacts upon residential amenity and the possible highway implications of the proposal. All these issues need to be taken into account when assessing whether or not the proposal would result in an unacceptable loss of environmental quality.

Siting and Design

30. The design of the proposed Seabrook School was won by a private architectural practice in a Kent County Council arranged design competition. A number of factors contributed to the design of the school, including Kent County Council's design brief and the DfES Building Bulletin 82 'Area Guidelines for Schools'. Every effort has been made to design a sensitive low-impact building appropriate to its natural setting. External materials such as self coloured render and timber cedar boarding have been proposed on the basis of being durable and low in maintenance. The building would also use large areas of glass to provide internal spaces with good levels of daylight, and in most cases, sea views. The design of the school building has not been objected to or commented upon by local residents. The high quality design conforms with the principles of the Kent Design Guide and relevant design policies, such as Policies S2 & S9 of the Kent Structure Plan, and SD1 & BE1 of the Shepway District Local Plan Review: Revised Deposit Draft 2002, and therefore I consider that this should be enthusiastically received.
31. The siting of the development within an existing area of open space/playing field has been objected to, but this issue has been discussed above and it has been established that development is acceptable in principle in terms of conforming with the Development Plan Policies which protect the site. The siting of the proposed school within this site now needs to be considered. The applicant states that the siting of the development has been carefully considered to allow the school building, hard play areas and playing field to be located to the rear of the site, and allow car parking, drop off/pick up, access and a level games pitch to be located to the front of the proposed school. This would maintain the existing 'green gap' in the street scene, and allow the games pitch to be easily accessed from Ian's Walk/Eversley Road without compromising the security of the school. However, concern has been expressed that sea views would be lost, and it has been suggested that the school be built to the right hand side of the site in order to maintain the sea views of local residents. The applicant states that the building is low lying and would be located within a naturally occurring dip in the site. The building has been located in such a way that the hall, which is the tallest element of the school, remains at a height that permits views from the existing properties along Quarry Walk. The applicant has demonstrated, through drawing no. 05.53.06, that no existing sea views from properties in Quarry Walk would be lost due to the construction of the school. Therefore the siting of the school building, and its associated facilities are considered to be the most appropriate for the site. In addition, I consider that the design and siting of the development respects its setting, and would not have a detrimental impact on the character of the local environment.

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Amenity

32. The proposed school would have an impact on residential and local amenity, and the significance of this impact needs to be discussed. Much concern has been expressed over the highways implications of this proposal, both during construction and when operational. These issues will be discussed later in this report.
33. First, concern is raised that local residential amenity would be detrimentally affected, with noise generation, loss of privacy and loss of open space. The applicant has demonstrated that sufficient alternative open space would be provided, and although regrettable that an area of open grassland be lost to development, a case of need has been given which confirms that the land is required for an alternative educational purpose which cannot reasonably be met in another way. However, the issues of noise generation and loss of privacy need to be addressed. The school building itself would be located within a naturally occurring dip in the site and, therefore, would be screened from residential properties by a steep embankment and both existing and proposed planting. In addition, the proposed school building would be over 30m away from the closest residential dwelling, and at least 15m from the closest rear boundary. Therefore, I do not consider that the school building itself would have a detrimental impact upon the amenity of local residents. Hard play areas that surround the school would generate noise at break times, but this would be for limited periods during term time only. The embankment and planting would provide screening which would act as a natural barrier between local properties and the hard play areas, reducing the noise impact. I consider that the greatest impact upon local residential amenity, with regards to noise, would be the construction of the school and its associated facilities. Unfortunately this is a negative feature of any development, but can be mitigated as far as practicable by the imposition of a condition to control construction hours.
34. Although the school building itself would not have a detrimental impact upon local residential amenity, other elements of this application could and therefore need to be discussed. First, Shepway District Council have expressed concern over the level games pitch, and consider that it would have a harmful effect on the occupants of number 25 lan's Walk. Although a letter of representation has not been received from this property, this issue does need to be addressed. Due to the gradient of the site the land would need to be cut and filled to enable the creation of a level games pitch. That would raise the level of the land as you near Eversley Road, resulting in the ground level of the games pitch being higher than that of the neighbouring garden. Therefore, users of this pitch, which would include members of the public, would be able to clearly see into this garden, having a detrimental impact upon residential amenity and privacy. The applicant has introduced planting to the south eastern side of the games pitch in an effort to provide a screen between the pitch and the property, but this is not considered entirely acceptable in this case. The cut and fill pitch should be amended such that the finished lower level is much reduced, meaning that users of the pitch would not be able to look directly into the garden of number 25 lan's Walk. The applicant has advised that they would be willing to lower the pitch further as and when such information and investigations have been undertaken with regard to geotechnical and structural issues. This would ensure that such lowering can be satisfactorily achieved without causing undue damage to the properties along this boundary, and as such should be a condition of any consent given. Therefore, I consider that should Members be minded to permit, details of the levels of the games pitch should be submitted for approval prior to commencement of any development at the site under planning condition. This would

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ensure that the level of the finished pitch was low enough that its use would not have a significantly detrimental impact upon neighbouring properties.

35. Secondly, concern is expressed over the proposed opening up of the woodland and the subsequent impact upon wildlife, and security/privacy of neighbouring properties. Both the woodland area, and the bank at the rear of the site, would be subject to a Habitat Management Plan, which would require the planned active management of these areas. Should Members be minded to permit, the Habitat Management Plan would be a condition on any subsequent decision, and would enhance the woodland and embankment areas in terms of biodiversity, nature study areas and public space. The Biodiversity Officer states that impacts upon biodiversity are unlikely, and suggests that conditions are placed on any subsequent decision in order to protect breeding birds, etc. Therefore, subject to the imposition of planning conditions and the submission of a Habitat Management Plan prior to any development at the site, I consider that this proposal would not have a detrimental effect on local wildlife, or indeed the woodland area or embankment.
36. However, clearing the undergrowth and opening up the woodland could impact upon the privacy and security of neighbouring properties. The woodland is currently available for public use and, therefore, it can be argued that this proposal would not have any impact upon neighbouring properties. However, the woodland is overgrown and hard to access at present, with dense undergrowth acting as a natural deterrent. By removing the undergrowth and clearing paths through the site, encouraging use by members of the public and pupils of the school, the rear gardens of properties backing onto this area of the site may become vulnerable. However, I consider that providing the applicant leaves a sufficient boundary around the woodland perimeter that faces residential properties, which is left in its current state and not cleared, then the privacy and security of neighbouring properties would not be compromised. Details of how the woodland would be cleared, managed, and maintained need to be included within the Habitat Management Plan, and I would expect the perimeter of the woodland to remain as existing in order to maintain and enhance local environmental quality, and ensure residential amenity is not detrimentally effected.
37. As stated above, the embankment at the rear of the proposed playground would be included within the Habitat Management Plan. Concern is expressed that this boundary of the school would not be fenced and, therefore, pupils could climb this bank and look into neighbouring gardens/properties. The applicant advises that this area of the site would be secured by the inherent natural protection and surveillance offered by existing surrounding properties, and the substantial embankment. The applicant states that the embankment is very steep and would not be easy to climb. In addition, a member of staff would always supervise the pupils when using hard play areas, and pupils would not be allowed to climb the bank. This would not only ensure the privacy of neighbouring residents, but also the safety of pupils.
38. The applicant proposes that the school facilities would also be used by the local community. One of the enabling housing developments proposes the demolition of the existing Seabrook Mission Hall, which would result in the loss of a community facility. Shepway District Council discourages the loss of community facilities, and therefore the community activities currently held in the Mission Hall would be held in the proposed school. These activities include Women's Institute, Women's Fellowship, Craft Group, Bridge Club and Karate Group, which would be held in additional spaces during school hours, and quiz nights and occasional children's parties in the evenings. These uses would not involve excessive noise generation, and would be relatively low key in terms of hours of use and numbers of attendees. In light of the above, I consider that the

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proposed school building is a sufficient distance from neighbouring properties to ensure that any community use would not have a significantly adverse impact upon residential amenity.

Highways

39. Traffic generation and impact upon the local highway network are further concerns expressed by local residents. First, local residents are concerned that Eversley Road and Ian's Walk cannot accommodate construction vehicles, as the roads are narrow residential streets, which are often double-parked. In addition, it is suggested that local road junctions such as the junction between Nail Down Road and Horn Street could not cope with construction vehicles. It is also suggested that any damage to parked cars, road surfaces and/or pavements caused by construction vehicles should be made good at no cost to local residents. These concerns were passed to both the applicant and Kent Highways, and the following information was provided in response.
40. Kent Highways state that Eversley Road and Ian's Walk are wide enough for two cars to pass each other, and therefore construction vehicles would be able to access the site. However, it is suggested that there would need to be suitable traffic management measures in place to ensure that construction traffic can safely access/egress the site. Details of these measures would be required under condition should members be minded to permit. In addition, the applicant states that any damage to the surrounding context caused by construction activities would be made good at the cost of the contractor. That would constitute part of the tender document. Unfortunately, the construction of any development does have short-term impacts upon the local highway and this cannot be avoided. However, the impact can be minimised through the imposition of conditions. Should this application be permitted details of a parking area for site personnel would be required to ensure that local roads were not used as a car park. In addition, conditions would be imposed to ensure that construction traffic does not enter/egress the site at peak 'rush hour' times and that mud and debris is not deposited on the local highway.
41. In addition to concerns over construction traffic, local residents have expressed concern over the highways implications of the school in the longer term. First, it must be noted that Kent Highways have raised no objection to this application, subject to the imposition of conditions and the resolution of 4 issues, listed in paragraph 17 of this report. The applicant has confirmed that they can fulfil all of these requests and will comply with the requirements of the suggested conditions.
42. However, concern is expressed that there is insufficient car parking proposed on site, and parents would park in local roads to drop off/pick up their children. In addition, it is suggested that local roads and associated junctions could not accommodate the increased level of traffic that would be associated with the school. Kent Highways have confirmed that the maximum car parking requirement is 1 space per member of staff, plus 10%, and that the level of on site car parking proposed is at this maximum level. Therefore the application is accordance with Kent Structure Plan Policy T17, Kent and Medway Structure Plan Policy TP19, Shepway District Local Plan Policy TR4 and Shepway District Local Plan Review Policy TR12.
43. In addition, Kent Highways state that they understand the concern over on street parking, although they do not consider that it will be a cause for concern in this case. Most parents of Primary School children want to park as close to a school building entrance as possible, and Kent Highways suggest that most parents will therefore drive into the school grounds and use the pick up/drop off point as the entrance is a

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considerable distance from Ian's Walk/Eversley Road. In addition, a School Travel Plan would increase the number of parents and pupils walking to school, and would be required under condition should Members be minded to permit. Local roads and junctions are already used by parents travelling to the existing school, and Kent Highways do not anticipate this situation changing significantly with the relocation of the school. The provision of 'school keep clear' markings at the Owens Close, Ian's Walk and Eversley Road junction would also discourage parents from parking in local roads. Therefore, subject to the imposition of conditions, I do not consider that this proposal would have a detrimental impact upon the local highway network.

Need

44. The applicant has demonstrated a case of need for the facility, as outlined in paragraphs 3 & 28 of this report. The new school facilities would not only meet the urgent needs of Seabrook School, it would provide a facility that could be used by other community groups, and members of the public. Therefore, I consider that the provision of the new school facilities would meet the needs of many local people and the pupils of Seabrook School.

Conclusion

45. As discussed in paragraphs 24 to 29 of this report, this proposal would not result in a net loss of open space, as sufficient alternative open space would be provided, which is argued to be of better quality. Therefore, the proposal is not contrary to the principles of Policy LR12 of the Shepway District Local Plan: to 2001, as amplified by Policy LR9 of the Shepway District Local Plan Review: Revised Deposit Draft 2002, which applies to the wooded area to the north of the site. The remainder of the site, within which the new school and its associated infrastructure is proposed, is protected under Policy LR12 of the Shepway District Local Plan Review: Revised Deposit Draft 2002. This policy states that proposals resulting in the loss of playing fields will only be permitted where development would not cause an unacceptable loss in local environmental quality, and where set criteria are met. As discussed in paragraphs 27, 28 & 29 of this report, I consider that these criteria are met by this application. However, the development must not cause an unacceptable loss in local environmental quality. I consider that the proposed design of the school could enhance the local environment, which in conjunction with a Habitat Management Plan for the woodland and embankment, would enhance the biodiversity and environmental value of the site. Therefore, I consider that subject to the imposition of conditions, that the proposed development would not have a detrimental effect on local environmental quality. Therefore, this proposal is in accordance with the general principles of Policy LR12 of the Shepway District Local Plan Review: Deposit Draft 2002.
46. In summary, I consider that there are special circumstances to justify the proposed development within a designated area of open space/playing field. Subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general principles of the relevant Development Plan Policies. Therefore, I recommend that the application be referred to the First Secretary of State as a departure from the Development Plan, and that subject to his decision, permission be granted subject to appropriate conditions.

Recommendation

Item D1

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47. I RECOMMEND that SUBJECT to no direction to the contrary by the First Secretary of State, PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:
- the standard time limit,
 - the development to be carried out in accordance with the permitted details,
 - external materials to be submitted,
 - details of external lighting,
 - details of levels of the sports pitch,
 - Community Use Agreement for the level games pitch,
 - a soil survey to include stabilisation of land,
 - a scheme for the investigation and recording of contaminated land,
 - protection of ground water,
 - a scheme of landscaping, its implementation and maintenance,
 - a Habitat Management Plan,
 - protection of nesting birds,
 - traffic management measures for construction traffic,
 - details of parking for site personnel,
 - the provision and retention of visibility splays,
 - the provision of school keep clear markings,
 - provision of dropped kerbs and tactile paving,
 - provision and retention of car parking, cycle parking and turning area as indicated,
 - widening of the footway/cycle way and changes to the gradient of the access road,
 - preparation, implementation and ongoing review of a Revised School Travel Plan,
 - hours of working during construction,

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| Case officer – Mary Green | 01622 221066 |
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| Background documents - See section heading |
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Provision of a new strategic dual carriageway and associated works (East Kent Access Phase 2), Minster, Cliffsend and Richborough – Ref. TH/05/964

A report by Head of Planning Applications Group to Planning Applications Committee on 20 June 2006.

Proposal: Provision of a new strategic dual carriageway, to improve traffic links between Thanet, Dover and the key highways of Kent, encouraging development / regeneration, including new roads, earthworks, drainage, lighting, structures at two railway crossings, utility diversions with improvements to cycleways and footways, plus advance environmental mitigation and archaeological investigation (East Kent Access Phase 2).

Location: A linear location primarily in the District of Thanet between Richborough Power Station (A256), Minster Roundabout (A299) and Lord of the Manor Junction at Cliffsend.

Recommendation: Permission be granted, subject to conditions and subject to referral to the Secretary of State for Communities and Local Government.

Local Members: Mr C Hibberd, Ms E Green, Mr A Poole &
Mr L Ridings

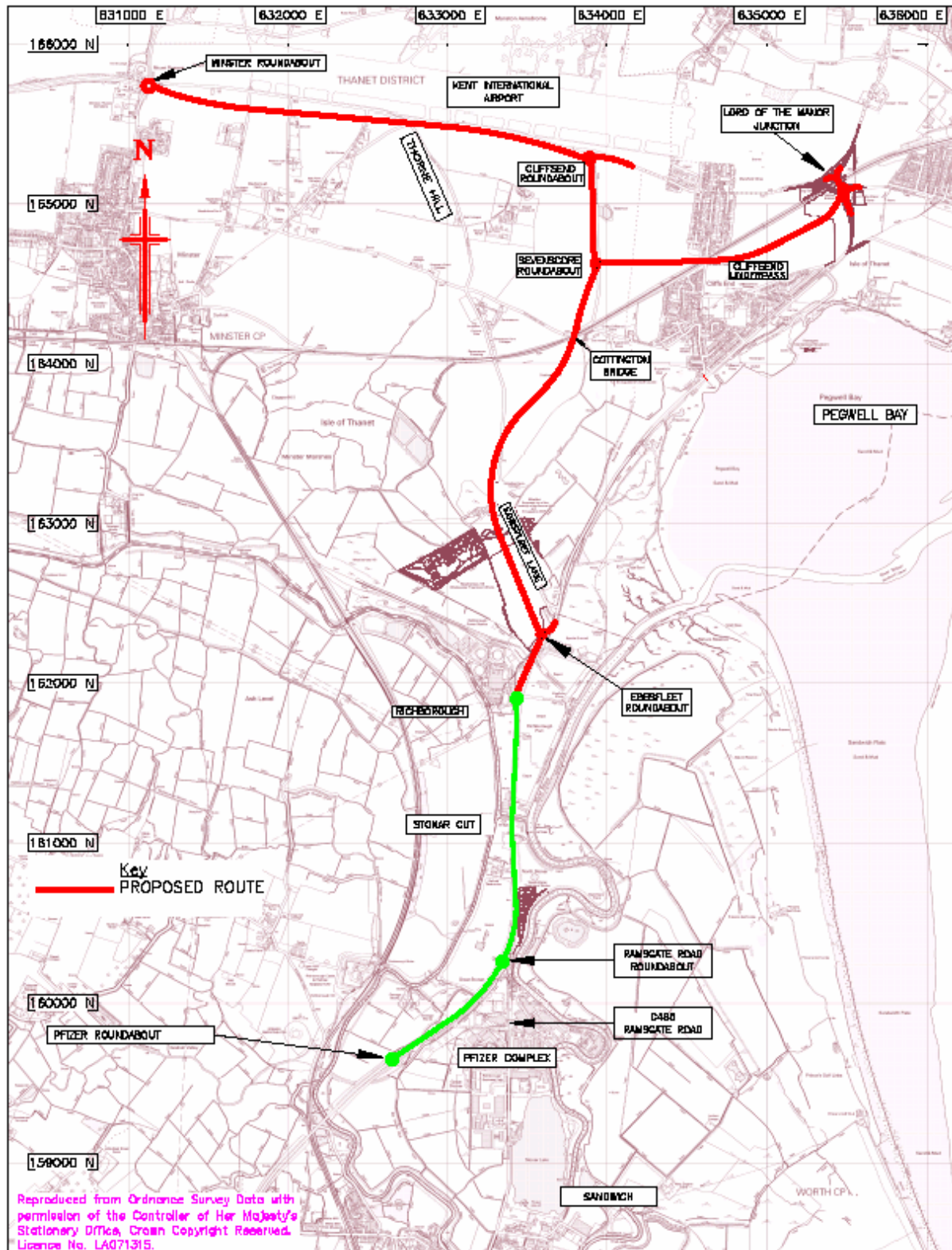
Unrestricted

1. This application was the subject of a Members' site tour on 30 January 2006, accompanied by representatives from the District and Parish/Town Councils and other local organisations. The Council Secretariat's Minutes of that tour are included in appendix.

Introduction and background

2. This application, submitted in June 2005, proposes a new strategic dual carriageway highway to link the A256 at the former Richborough Power Station, the A299 at Minster Roundabout and the Lord of the Manor junction on the outskirts of Cliffsend and Ramsgate. The applicant (KCC Regeneration and Projects Division) states that the aim would be to improve traffic links between Thanet, Dover and the key highways of Kent and to encourage development and regeneration in East Kent generally. The proposed dual carriageway represents the second and largest full phase of the transport scheme known as East Kent Access.
3. Earlier sections of East Kent Access have either been completed or are under construction. Phase 1A of the scheme has now been constructed and involved the construction of a two-way single carriageway north of Sandwich between Ramsgate Road and the A256 Sandwich bypass (ref. DO/02/320). Phase 1B of the scheme, the dualling of the A256 Sandwich bypass, did not require the benefit of planning permission as the works fell within the existing carriageway alignment. Phase 1C of the scheme was permitted in August 2003 and involves the dualling of the existing A256 from the existing Ramsgate Road Roundabout north of Sandwich to the former Richborough Power Station (ref. DO/03/172). Construction works for Phase 1C are currently underway.

Provision of a new strategic dual carriageway and associated works (East Kent Access Phase 2) – Ref. TH/05/964



EAST KENT ACCESS – PHASE 2
PROPOSED SCHEME LOCATION PLAN

Figure 1.1

**Provision of a new strategic dual carriageway and associated works
(East Kent Access Phase 2) – Ref. TH/05/964**

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Location Plan

4. The planning application is subject to Environmental Impact Assessment and is accompanied by an Environmental Statement (ES), including a Non-Technical Summary of the Environmental Statement's findings. The application has been the subject of a series of amendments since its first submission, including further information to support the Environmental Statement in December 2005. Each amendment has been subject to further publicity and further consultation with relevant consultees.
5. The Environmental Statement covers the whole range of environmental effects including the transport implications, air quality and climatology, heritage and archaeology, ecology and biodiversity, landscape and visual impact, community impacts, drainage and water quality, geology and soils, employment considerations, construction impacts, alternative solutions and schemes and mitigating measures.

Application site and route of road

6. The proposed dual carriageway would run from Minster Roundabout along the southern side of Kent International Airport (Manston), parallel to the existing A299 Thanet Way, to a new Cliffsend Roundabout, then southwards over the railway by way of a new bridge at Cottington and to a new Ebbsfleet Roundabout on the A256, near to the Richborough Power Station. Additionally, a spur road from a new roundabout at Sevenscore would link through an underpass at Cliffsend, under the railway between the northern and southern parts of Cliffsend, to join a reconfigured Lord of the Manor junction (where the A299 and the A256 meet west of Ramsgate. A site location plan showing the route of the proposed road, as well as the consented Phase 1 elements, is attached.

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7. The linear site of the proposed dual carriageway affects, or is near to, the following land use designations or other features: *Thanet Coast and Sandwich Bay Ramsar Site and Special Protection Area (SPA)*, *Sandwich Bay candidate Special Area of Conservation (SAC)*, *Sandwich and Pegwell Bay National Nature Reserve*, *Pegwell Bay Local Nature Reserve*, *Ash Level and South Richborough Pasture Site of Nature Conservation Interest (SNCI)*, *Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI)*, *Pegwell Bay-Sandwich Bay Special Landscape Area (SLA)*, an Area of High Landscape Value, the *Stour Valley Walk*, the *Saxon Shore Way*, *Pegwell Bay Country Park*, three Scheduled Ancient Monuments (*Ozengell Anglo-Saxon Cemetery*, *St Augustine's Cross*, *Laundry Road Bronze Age Enclosure*), *Ebbsfleet* (supposed site of the landing of the Saxons and also St Augustine), Areas of Archaeological Potential, a number of Listed Buildings, the *Airfield Safeguarding Zone for Kent International Airport*, the *Wantsum Channel Flood Risk Area*, *Aquifer Protection Zones*, a Minerals Area of Search, a number of former chalk pits and inert landfill sites, areas of land hazards (landfill gas), productive agricultural land and several Public Rights of Way. The land crossed by the application site is generally open and exposed to wider view in the landscape, dipping gently from north to south.
8. The proposal also affects, or relates to, land designated or safeguarded in the Thanet District Local Plan 1998 for an improved A229 north of Cliffs End, areas of Undeveloped Coast and Village Separation Corridors, and additionally, in the emerging Local Plan, as Island Approach Routes.

Detailed proposals

9. In justifying the need for road improvements, the applicant states that the A256 and A299 both carry traffic flows well in excess of that appropriate for the standard of the existing roads. The two roads have seen major highway improvements over recent years but the sections that are subject to this application still require improving. The proposed scheme would offer a better level of service and a wider choice of travel through the encouragement of public transport and car sharing. The applicant states that the incorporation of a High Occupancy Vehicle (HOV) lane on Phase 1 is yet to be decided on and could yet become a future option for Phase 2.
10. In the Environmental Statement (ES), the applicant sets out the alternative schemes that were considered before the preferred option was reached. Rejected options include a dual carriageway on the seaward side of Cliffsend (through the old Pegwell Bay Hoverport site), and a route to the north of Cliffsend skirting the edge of Manston Airport.
11. In summary, the proposed works incorporate the following:
 - New roads, including some 8km of dual carriageway, four new roundabouts, a new junction at Lord of the Manor, links to the local network and new service roads.
 - Structures at two railway crossings, including Cottington Road Bridge and Cliffsend Underpass (135 metres in length, with retaining walls extending beyond this).
 - Improvements to cycleways and footways, with two new 'Toucan' crossings for cyclists/pedestrians.
 - Earthworks, including infilling and landraising of land near to Lord of the Manor junction.
 - Drainage works, including a positive surface water drainage system for the entire route, drainage lagoons and a drainage outfall into Pegwell Bay.

**Provision of a new strategic dual carriageway and associated works
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- Streetlighting for safety reasons at all the new roundabouts, between the proposed Sevenscore Roundabout and Lord of the Manor Junction, and between the proposed Ebbsfleet Roundabout and Richborough Power Station, using 10m high columns.
 - Various utility diversions (drainage, power and telecommunications, etc.).
 - Noise mitigation, including noise barriers at certain locations, low noise road surfacing for all off-line sections of the new road and noise insulation for eligible residetail/commercaill properties.
 - Ecological mitigation works and landscape planting.
 - Archaeological investigations to be carried out in advance of construction.
12. Construction would be expected to take around two years, with the excavation of some 500,000m³ of material and the reuse of around 300,000m³ in forming the raised embankments of the road, as originally submitted.
13. The applicant aims to acquire the land required for the scheme by use of a Compulsory Purchase Order. A Side Roads Order would also need to be published to deal with ancillary access re-arrangements. The proposed dual carriageway would pass across land currently owned by some 26 landowners, most of which is in arable agricultural use. It would pass near to existing residential properties in and around Minster and Cliffs End, and close to the Stonelees and the St Augustine's Golf Courses, Weatherlees Hill Wastewater Treatment Works and other commercial properties and businesses.

Government Guidance and Development Plan Policies

14. The national planning guidance that is relevant to this application includes:

Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1)
 Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7)
 Planning Policy Statement 9: *Nature Conservation* (PPG9)
 Planning Policy Guidance 13: *Transport* (PPG13)
 Planning Policy Guidance 15: *Planning and the Historic Environment* (PPG15)
 Planning Policy Guidance 16: *Archaeology and Planning* (PPG16)
 Planning Policy Guidance 24: *Planning and Noise* (PPG24)
 Regional Planning Guidance 9: *South East* (RPG9)
 RPG9 amended Chapter 9: *Regional Transport Strategy 2004*

15. There are numerous Development Plan policies that are relevant in consideration of the proposal. The key policies are summarised below:

Kent Structure Plan 1996

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| S1 | Seeks to achieve a sustainable pattern and form of development. |
| S2 | The quality of Kent's environment will be conserved and enhanced. |
| S3 | It is strategic policy to stimulate economic activity and employment in Kent. |
| S4 | Promotes the stimulation of economic activity and employment in East Kent whilst recognising the environmental constraints that apply. |
| S7 | Relates to transportation improvements. |
| EK2 | Relates to the regeneration of the local economy in Thanet. |
| ENV1 | The countryside will be protected for its own sake. |
| ENV2 | Kent's landscape and wildlife habitats will be conserved and enhanced. |
| ENV4 | Provides for the long-term protection of Special Landscape Areas. |

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| ENV5 | Development that would materially harm the scientific or wildlife interests of certain designated sites or areas (see policy) will be refused. |
| ENV7 | It is policy to maintain tree cover and the hedgerow network in the County. |
| ENV11 | Seeks to conserve and enhance the environment within river corridors. |
| ENV12 | Environmental enhancement along road and rail routes will be promoted. |
| ENV15 | The character, quality and functioning of Kent's built environment will be conserved and enhanced. |
| ENV18 | Relates to the protection of archaeological and historic sites or landscapes. |
| ENV19 | Listed Buildings will be preserved, protected and enhanced. |
| ENV20 | Development will be planned to avoid or minimise pollution impacts. |
| ENV25 | Deals with projects involving significant amounts of aggregates or spoil. |
| NR3 | Relates to the quality or potential yield of groundwater resources. |
| NR4 | Relates to surface water quality. |
| NR5 | Relates to the risk of river or tidal flooding. |
| NR14 | Seeks the minimisation of demand for energy. |
| ED6 | Seeks to protect the long term productive potential of agricultural land. |
| T1 | Promotes facilities for pedestrians, cyclists, and bus/train users. |
| T2 | Relates to new and improved transport facilities. |
| T3 | Promotes the best alignment and design of road transport schemes. |
| T4 | Improvements to primary routes should accommodate 15 years traffic growth. |
| T5 | Provides criteria for assessing new strategic routes. |
| T11 | Full account will be taken of the needs of cyclists and pedestrians. |
| RS1 | Development permitted in the open countryside should be well designed. |
| RS5 | Cites where development would not normally be permitted in rural locations. |

Kent & Medway Structure Plan (Deposit) September 2003 (Approved) June 2006

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| SP1 | States the primary purpose of conserving and enhancing Kent's environment and ensuring a sustainable pattern of development. |
| SS1 | Sets out spatial priorities for development and investment in Kent. |
| SS7 | Restricts new development in the countryside. |
| EK3 | Relates to development in Thanet District. |
| E1 | Kent's countryside will be protected for its own sake. |
| E2 | Kent's undeveloped coast will be conserved and enhanced. |
| E3 | Kent's wildlife habitats will be conserved and enhanced. |
| E5 | Special Landscape Areas will be protected and enhanced. |
| E6 | Relates to development affecting international & national wildlife designations |
| E7 | Relates to development affecting county and local wildlife designations. |
| E8 | Important wildlife habitats will be protected, maintained and enhanced. |
| E9 | Tree cover and the hedgerow network should be maintained and enhanced. |
| E12 | The environment within river corridors will be conserved and enhanced. |
| E13 | Enhancement of the landscape along primary routes will be promoted. |
| QL1 | Relates to the quality of development and design. |
| QL8 | Relates to archaeological sites and remains. |
| QL9 | Listed Buildings will be preserved and enhanced. |
| QL10 | Relates to historic landscape features. |
| FP8 | Seeks to protect the best quality agricultural land. |
| TP1 | Sets out assessment criteria for transport proposals. |
| TP7 | Relates to future strategic transport schemes, including East Kent Access P2. |
| TP10 | Facilities for pedestrians and cyclists will be provided and their use promoted. |
| TP24 | Relates to the future development of Manston Airport. |

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| NR4 | Seeks to avoid or mitigate pollution impacts. |
| NR7 | Protects water quality. |
| NR9 | Relates to development and flood risk. |
| WM7 | Relates to construction related spoil |
| M2 | The use of recycled or secondary materials will be maximised. |

Local Transport Plan for Kent 2000

Lists the East Kent Access scheme as a priority local major scheme.

Thanet District Local Plan (Approved) 1998

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| CB1 | Seeks to ensure new development is of a high standard of design. |
| TR2 | Ways to channel traffic from unsuitable routes will be investigated. |
| TR4 | Seeks the widening of the A253 Mount Pleasant to Lord of the Manor. |
| TR7 | Relates to the provision of roadside services on the A253 near Minster. |
| TR12 | Needs of cyclists will be addressed. |
| CL1 | Presumes against new development in the open countryside. |
| CL2 | Aims to protect visual & environmental quality of major approaches to towns. |
| CL3 | Identifies Pegwell Bay-Sandwich Bay as a Special Landscape Area. |
| CL4 | Seeks to protect former Wantsum Channel Area of High Landscape Value. |
| CL7 | Priority will be given to maintaining Village Separation Corridors. |
| CL9 | Trees and woodland will be conserved and enhanced. |
| CL10 | Relates to the provision of landscaping required for new development. |
| R2 | Relates to development in rural settlements and the open countryside. |
| AG1 | Seeks to protect the best and most versatile agricultural land. |
| AG2 | Seeks to prevent casual access to agricultural land. |
| AG3 | Relates to planning applications for new agricultural buildings. |
| CW3 | Relates to proposals at or adjacent to the undeveloped coast. |
| CW5 | Relates to the Wantsum Channel Flood Risk Area. |
| CW7 | Seeks to protect the quality of surface and groundwater resources. |
| NC2 | Seeks to protect Sites of Special Scientific Interest |
| NC3 | Seeks to protect SPAs, SACs and Ramsar sites. |
| NC4 | Seeks to protect Sites of Nature Conservation Interest. |
| NC9 | Relates to new development and damage to nature conservation interests. |
| AM1 | Promotes the protection of heritage sites and features. |
| AM2 | Seeks to protect Scheduled Ancient Monuments. |
| AM3 | Seeks to protect important archaeological sites. |
| AM4 | Relates to the need for archaeological assessments. |
| AM5 | Relates to other archaeological sites not covered by AM2 and AM3. |

Thanet District Local Plan (Revised Deposit Draft) March 2003

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| EC3 | Supports the development and expansion of London Manston Airport. |
| TR3 | Seeks to channel traffic onto the most appropriate routes of the road hierarchy. |
| TR5 | Seeks the implementation of East Kent Access Phases 1 and 2. |
| TR13 | Promotes the increased use of cycling. |
| D1 | Sets out a number of design principles. |
| D3 | Sets out the requirements of landscape schemes. |
| D12 | Relates to new agricultural buildings. |
| HE1 | Protects Listed Buildings. |

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| HE3 | Relates to rural Listed Buildings. |
| HE9 | Promotes the importance of archaeological resources. |
| HE10 | Seeks to protect Scheduled Ancient Monuments. |
| HE11 | Seeks to protect important archaeological sites. |
| HE12 | Relates to the need for archaeological assessments. |
| HE13 | Relates to other archaeological sites and preservation by record. |
| CC1 | Deals with new development within the countryside. |
| CC2 | Relates to Landscape Character Areas. |
| CC4 | Seeks to protect Island Approach Routes. |
| CC7 | Seeks to protect certain rural lanes. |
| CC9 | The best and most versatile agricultural land will be protected. |
| CC13 | Relates to the coastal park initiative. |
| NC2 | Seeks to protect Nature Reserves and SSSIs |
| NC3 | Seeks to protect SPAs, SACs and Ramsar sites. |
| EP9 | Deals with light pollution. |
| EP13 | Relates to Groundwater Protection Zones. |

*Note: Policies in **Dover District Local Plan (2002)** are also relevant for the part of the development within Dover district. In particular, Policy TR5 relates to road improvements.*

Consultations

16. Given that the application has been amended three times in response to the first round of consultations, some of the responses below are initial comments on the original application and some are more recent further comments in response to the submitted amendments. Some further views are still awaited and will be reported verbally to the Committee Meeting if received by that date.
17. **Thanet District Council:** Raises no objection. Whilst the County Planning Authority is fully cognisant of the relevant adopted and emerging Local Plan Policies for this area, specific attention is drawn to the landscape policies relating to the protection of views of Pegwell Bay. If permission is granted, full and precise details of all landscaping works, tree planting, bridge and underpass construction, lighting and all associated materials should be provided. *Further views on subsequent amendments expected.*
18. **Dover District Council:** No objection, subject to clarification being provided to demonstrate the overall coherence, safety and implications of the proposed cycle facilities throughout the route, and the imposition of a condition requiring the maintenance of unimpeded two-way flow between Richborough Roundabout and Ebbsfleet Roundabout between 0700-0915 and 1600-1800 hrs. Between 0915 and 1600 hrs temporary traffic controls may be introduced but must be controlled by manual operation. No restrictions need to be imposed between the 1800-0700 hrs. [The District Council also supplies a copy of the delegated officer's report and the following further advice: the Council reserves its position with respect to any inclusion of a High Occupancy Vehicle (HOV) lane; any requests for traffic management approvals should be made in the first instance to the local Highway Office]. No objection is raised to the amendments, subject to imposition of the condition previously requested.

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19. **Cliffsend Parish Council:** No observations to make on the further information / amendments, but Members are surprised that the opportunity has not been taken to introduce traffic calming measures on the section of the A299 going through the upper part of the village. *Further views on subsequent amendments expected.*
20. **Minster Parish Council:** No comments received.
21. **Manston Parish Council:** Supports the proposal, in the belief that the road improvement would benefit Thanet and its regeneration. Grave concerns are expressed regarding:
- no reference to the impact on the A256 north of Lord of the Manor Junction, the inadequacy of which is a significant concern;
 - the much-needed proposed improvements of the junction of the B2050 (leading to Manston village) and the A256 will be delayed, as it is understood that it was to be funded through a S106 agreement with Planestation [Manston Airport].
- Detailed concerns include:
- traffic to/from Ramsgate would be unduly impeded by it being light-controlled at the proposed Lord of the Manor junction, and that a large conventional roundabout would be a better option.
 - the routeing of the cycleway from Cliffesend to Ramsgate via a remote and sharply angled path over the old railway bridge is inappropriate and that in practice the shorter route over the new bridge would be used. Provision should be made in this scheme to improve non-vehicle routes, including horse-riders, travelling east-west.
- In response to amendments has stated: Whilst believing that this road improvement is necessary, this Council continues to be concerned at the traffic layout at the Lord of the Manor and would welcome information on the projected maximum flows at this junction. With regard to infilling at the Lord of the Manor, it is difficult to see why this is permissible, whilst it has not been possible to fill the borrow pit at Spratling Court Farm, both sites being within the water catchment area.
- In response to further amendments has stated: There are still concerns regarding the capability of the Lord of the Manor Junction to cope with traffic from the south, turning right through traffic lights to Ramsgate, and from Ramsgate turning north. Significant northbound queues are likely south of the junction, particularly with new housing and other development planned for Thanet. Such traffic congestion would cause undue risk taking and be detrimental to road safety.
22. **Sandwich Town Council:** Fully supports the proposal and has raised no objections to the amendments. Further comments on the more recent amendments are deferred pending further plans regarding the development of Tubbs Corner.
23. **Ash Parish Council:** Fully supports the proposal.
24. **Monkton Parish Council:** No comments received.
25. **Worth Parish Council:** No comments received.
26. **Acol Parish Council:** Comments as follows:
- The new road would encourage even more traffic through the narrow lanes (with blind bends and no footways) of Acol, if no consideration is given to traffic travelling from Birchington, Westgate, Westbrook and Margate to Sandwich and Ramsgate. Current traffic levels are unacceptable, having increased with development at

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Manston, Westwood Cross and Haine Road. Additional vehicles would compound the problem and justify placing Acol at the top of the priority list for traffic calming.

- Now would be a good time for Columbus Avenue on Manston Industrial Estate to be extended to Shottendane and Manston Roads, as an Acol Bypass, with several advantages. Otherwise a vastly increased volume of traffic and congestion will be caused in Acol village.

27. **DEFRA:** No comments received.

28. **South East England Development Agency (SEEDA):** Comments as follows:

In terms of the Regional Economic Strategy, the application meets Priority 13 on the South East's Transport Network. SEEDA therefore supports the application and considers that the benefits accruing will assist in the regeneration of this part of East Kent.

29. **Countryside Agency:** No comments received.

30. **English Heritage:** Is content that the impacts on the historic environment have been assessed and where appropriate suitable mitigation measures have been proposed. Impacts on a number of scheduled monuments have been identified and it is recommended that further discussion is undertaken with English Heritage to ensure that these impacts are kept to a minimum. In the case of the Ozengell Anglo Saxon cemetery any physical impacts of the works, and associated drainage and landscaping, would require Scheduled Ancient Monument consent.

31. **English Nature:** Initial holding objection. The further information / amendment submission is still insufficient to determine whether there is likely to be a significant effect on the important wildlife designations in this area. The following information is requested:

- An assessment of potential disturbance to birds in the vicinity of the Hoverport apron during the installation of the pipeline along with details of mitigation measures.
- Information on impacts upon designated sites of the pipeline's construction and details of alternative routes considered.
- Detailed information on the working area near to Richborough Power Station.

The Council should not determine the application until further information is provided by the applicant.

In response to further information has commented:

The revised route for the Pegwell Bay outfall is welcomed and we are satisfied that the timing of the works minimises disturbance to wintering birds, one of the SPA's interest features. **Objection is withdrawn** subject to a condition requiring prior approval of the discharge apron, to avoid adverse impact on the SAC, Ramsar Site and SPA. Also satisfied with impacts on interest features of the SSSI at Richborough and withdraw objection, subject to a condition requiring prior fencing of the SSSI to prevent accidental incursions. No further comments to add regarding consideration for protected species. The ongoing management of all habitats created in mitigation for protected species should be incorporated into a management plan for the scheme as a whole, and incorporated into the landscaping scheme as a conditional requirement.

However, a protected moth species (fiery clearwing) is known to breed in Pegwell Bay, together with a moth species of principal importance (bright wave). Neither of these species were identified in the ES or subsequent information, so a condition should also

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be imposed requiring a survey for these two species in advance if any works commencing on the Hoverport pad or approach road, with any necessary mitigation to be approved before works commence.

32. **Environment Agency:** No objection provided that the condition and informatives referred to below are imposed on any planning permission granted.

- Disposal of spoil would require a Waste Management Licence.
- A licence may be required for any water abstraction for dust suppression.
- Any dewatering activities would require a transfer licence.
- It is recommended that further investigations are carried out to assess the sites identified as affected by contamination or landfill. Appropriate remediation works should be carried out and relevant details agreed with the Planning Authority before any works are commenced.
- Part of the site lies on the upper chalk formation, which is classified as a major aquifer. The site lies across Source Protection Zones (SPZ) I, II and III for the Lord of the Manor public water supply. Soakways shall only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved in writing by the Planning Authority. Appropriate measures should be taken to prevent discharges of polluting matter to the ground during construction.
- A scheme for the methods of site construction and operation shall be submitted for the prior written approval of the Planning Authority.
- Any discharge of surface water drainage from the site to controlled waters would require a consent from the EA under the Water Resources Act 1991.
- Prior consent would be needed from the EA for any works in, over or under the channel of Minster Stream, or within 8m of the top of the bank.
- We would like to see further details of mitigation and method statements for the following species: Water Vole & Marsh Warbler.
- More information is required on: all watercourses and water features affected by construction activities must be surveyed for Water Voles and Great Crested Newts; a method statement for the mitigation of Water Voles must be provided for each ditch/water feature likely to be affected by construction activities where Water Voles are present.
- Requests a meeting to discuss concerns relating to surface water drainage and discharges with the Water Quality and Ground Water Teams.

In response to amendments and further information has commented:

The drainage outfall at Richborough is at Minster Stream where tidelock may be experienced and attention should be given to avoid localised flooding. Negotiations are progressing regarding the deposit of 150,000m³ of spoil at Lord of the Manor. There are concerns over the proposed surface water drainage pipe and we require a detailed method statement, given the sensitive cliffs and contamination potential of the Hoverport pad if disturbed. Timing of the proposed works is of prime importance, since this area is internationally important for wintering birds and marine life. Additional volumes of freshwater drainage at Pegwell Bay might disturb the salt marsh and mudflat communities, but only at low tide in the inter-tidal zone. Improvement works would be required to the existing outfall to increase its capacity if it were to be combined with the new highway outfall. There will be minimal impact on water quality overall from the additional drainage resulting from the scheme.

The Pegwell Bay outfall should have a pad structure to prevent scour of the beach and may need a storm flap to prevent seawater ingress at high tides, subject to final levels. Land Drainage Consent may be required for the proposed Cottington highway drainage;

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note that there are two surface water abstraction points at the end of the Cottington Lane proposed ditch.

Highways Agency: As the trunk road network is not affected by the proposal, the Highways Agency has no comment to make on this application or its amendments.

33. **Kent International Airport (Manston):** Will have to refer this matter to the Civil Aviation Authority for approval.

34. **Civil Aviation Authority:** No comments received.

35. **Network Rail:** Objects to the proposal, in particular to the two rail crossings, which would require railway land and easements or construction with associated Land and Works agreements identifying ownership and future maintenance responsibility.

36. **Southern Water:** No objections in principle, however there are a number of concerns:

- Much of the proposed road lies within Groundwater Source Protection Zone 1 for Lord of the Manor Source. In response to the further information / amendments, some concerns remain. The location of some of the works within Zone 1 and 2 of the Lord of the Manor source does not adequately reflect the high risk to the Public Water Supply. Some of the works are directly above the adit leading to the source pumps. The risk of contamination is greatly enhanced in these locations and it is essential that totally inert material is used for fill. Despite the later amendments for reduced infill, due to the vulnerability of the source, it is imperative that Southern Water are consulted with regard to the protection of the aquifer and the public water supply.
- The provisions of the New Roads and Streetworks Act should ensure the protection of plant affected by the proposals.
- The proposals may affect the twin pumping mains from Margate to Weatherless Hill currently under construction, and our existing Lord of the Manor operational site.
- The proposed access to Weatherlees Wastewater Treatment Works is not shown in detail. The width of access shown is not clear and may not be adequate in terms of safety for the increasing number of HGVs and tankers accessing the works.

37. **Other utility companies:** The **British Pipeline Agency, EDF Energy, Southern Gas Networks Ltd, Energis Communications, and Transco plc** confirms that their facilities / apparatus would not be affected by the proposed development. No responses have been received from **BT** and **National Grid**.

38. **Council for the Protection of Rural England (CPRE):** We do not consider that the above proposal should be progressed in its present form, due to major adverse impacts on open countryside and historical sites. In addition, the scale of the works involved are such that the costs involved could prejudice its construction within a reasonable time frame, meaning that the present problems are unlikely to be corrected.

39. **Kent Wildlife Trust (KWT):** No objection in principle, and broadly support the proposals for mitigating negative environmental impacts, particularly those that seek to protect priority and protected species and water quality of watercourses discharging into Pegwell Bay. KWT would welcome the opportunities for biodiversity enhancement indicated in the ES. However, the absence of any details about the nature, extent and location of the contractors' compound is cause for concern. The ES is incomplete without this

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information / assessment and KWT therefore lodges a holding objection. If permission were to be granted the following planning conditions should be attached:

- implementation of all mitigation and compensation measures as specified;
- the appointment of an ecologist prior to works commencing to monitor and report on the implementation of those measures;
- routine monitoring of water quality and the effectiveness of the habitat protection, species translocation and habitat creation programmes, and 5 years after completion of the works, a programme of any necessary further mitigation and enhancement works shall be submitted for approval and implemented within 3 years of approval.

In response to the further information / amendments, KWT states:

- the deferment of the selection of site(s) for the contractor's compound(s) runs counter to project assessment procedures which seek to expose and deal with construction as well as long term impacts at the outset, and we remain disappointed that no assessment has been made of their environmental impact.
- no objection is raised to the use of some highway verges as receptor sites for reptiles, and welcome the relaying of disturbed chalk grassland turves, but also suggest that where appropriate other verges should be created using sub-strata soils with no sowing, or low density sowing of chalk grassland species, and we would reinforce the value of a carefully prepared management regime for all verges and batters.
- we are reassured by the amended route for the Pegwell Bay outfall, intentions for the highway drainage and habitat proposals at Ebbsfleet and accept the removal of the badger tunnel and mitigation for the construction impacts on birds at Pegwell Bay.

40. **Ramblers Association:** Most of the footpaths in the vicinity would not appear to be affected too much. However, Footpath TR32 crosses the planned road between Sevenscore Roundabout and Lord of the Manor junction. It is not clear how the proposal would deal with the footpath. To keep walkers away from expected fast moving traffic a footbridge or underpass should be provided at this point, failing these a suitable diversion to a point where walkers can cross safely.

41. **Kent Highway Services:** The further information / amendments provided by the applicant are a comprehensive response and the ES now incorporates key information to do with justification and operation. It is noted in particular the modifications made to enhance the cycle facilities to be provided. The added ability to compare the 'Alternative Schemes Considered' with the 'Proposed Route' identifies why this route alignment has been adopted as the preferred option. It is now possible to fully endorse the conclusion that the scheme is technically sound, has public support and in overall terms is superior to the alternatives in tackling the problems and objectives identified. There are no highway and transportation implications that give cause for concern. Although it is a freestanding application, justifiable in isolation, it is noted that the scheme is a second phase of a larger project of infrastructure improvements aiming to benefit the East Kent area.

There are no highway objections to the amended alignments at Wayborough, given that the same service level would be provided, eg. the combined cycleway/footway and safety strip.

42. **KCC Archaeology:** The new road would be constructed in a landscape of very high archaeological value and it is very likely that important archaeological remains would be significantly impacted, including in places of national importance. The measures in the

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ES are appropriate to the mitigation of the scheme's impacts on buried remains. Slight modification of the route to avoid particular monuments may be possible, but would almost certainly lead to impacts on other known or unknown buried remains. Given that scheme cannot be located to avoid significant impacts, detailed investigation in advance of construction would be appropriate, except where engineering measures can achieve preservation of remains in-situ.

Archaeological mitigation should include further assessment and evaluation to achieve in-situ preservation where possible, with prior detailed investigation elsewhere. Early entry to the land affected should be sought to ensure sufficient time for investigation, with a watching brief for other areas. Following excavation and recording, results of investigation should be analysed, researched and published, and the archive deposited with an appropriate museum.

Archaeological mitigation measures should be carried out in accordance with specifications to be agreed with the County Archaeologist, and works within the Ozengell Scheduled Monument would need to be agreed with English Heritage (subject to Scheduled Monument Consent from the Secretary of State). Specific conditions to address mitigation and any in-situ preservation of remains are recommended.

43. **KCC Biodiversity:** The proposal does not directly impact on any land with a designation for nature conservation. However, the proposal is in an environmentally sensitive area within close proximity of an SSSI, an SAC and an SPA and Ramsar site. An SNCI is also within 300m at its closest point. The proposal largely avoids direct impacts on protected/rare/Kent or UK BAP [Biodiversity Action Plan] habitats, with most land to be lost to development currently in agricultural production. However, some small areas of semi-natural habitat with the potential to hold protected species would be impacted. Indirect impacts arising from the proposal (pollution, disturbance, etc.) also have the potential to impact on the protected sites and species. In respect of protected species, I would like to raise the following points.

- Bats – Any trees or other suitable structures to be removed should be assessed for their potential to host roosting bats. If bats are present, the applicant would need to develop a suitable mitigation plan and apply for a licence from DEFRA.
- Otters – No further surveys for otters have been undertaken since 2001. An updated survey should be undertaken to see if otters have re-colonised the site in the interim.
- Water Voles – The ES has identified water voles in suitable habitat, including at least one ditch and pond that are to be directly impacted. The applicant has briefly summarised the intended mitigation / compensation. Prior to determination, a detailed mitigation plan would need to be submitted.
- Dormice – The 2001 survey indicates that dormice are likely to be absent and given the limited mobility of the species and the relevant isolation of suitable habitats, it is unlikely that they would have re-colonised in the interim. English Nature will be able to advise whether there is a need for an update survey.
- Birds – Nearby designated sites are important for wintering and migratory birds. English Nature would need to be satisfied that the proposal would not have an adverse effect on the avian interest. No bird survey work appears to have been undertaken since 2001 and the distribution of birds in the area may have changed.
- Reptiles – The reptile survey (2004) recognises the need to develop and implement a reptile mitigation strategy in advance of works. The applicant has submitted a brief description of the proposed mitigation measures, but I would also want to see a copy of the full reptile mitigation strategy.
- Habitats – There would be a loss of areas of chalk grassland and standing open water, and of areas of the UK BAP broad habitat types neutral grassland and broad-

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leaved, mixed and yew woodland. It is not clear the precise area of each of these habitats which is to be lost and the area of habitat which would be provided in mitigation/compensation. It is essential that the proposal does not result in a net loss of habitat or increased fragmentation of existing habitats. The applicant should provide clear diagrams showing the extent of proposed habitat enhancement together with details of the proposed planting regime and long term management.

In response to amendments has commented as follows:

We have concerns over changes to water quality and hydrology and the impact on aquatic flora and fauna, as well as the proposed outfall in Pegwell Bay. We welcome the compensatory wetland at Weatherlees Hill pond in advance of construction, and detailed design should maximise biodiversity benefit. A follow-up survey of otters should be carried out. All material used in habitat creation should be the most appropriate for the site and for the habitat. Bats – planting should take account of mitigating impacts to bat flight line and foraging. Badgers – all possible efforts should be made to minimise impacts on the only active main sett in Thanet. Birds – the best possible solutions to minimising impacts should be used. Reptiles – it is important that the monitoring and creation of links between areas is undertaken. Invertebrates – it is important that the maximum possible existing habitat is retained, remains in a continuity of management and is linked by suitable habitat.

Clarification and amplification of mitigation for reptiles, bats and birds is welcomed, including the commitment to undertake a further otter survey, but recommend that the mitigation be conditioned to ensure its implementation. An ecologist should be on site at all times to ensure compliance and a cohesive mitigation strategy should be included in the propose landscaping scheme. I would support the use of conditions to manage the Pegwell Bay outfall and await further survey and any necessary mitigation for protected moth species. I also support a condition to ensure the proposed fencing of the SSSI.

44. **KCC Public Rights of Way:** In the further information / amendments submission, the applicant has not responded to our original response: The proposed development directly affects Public Rights of Way TR32, TE37 and TE39. Whilst no objection is raised in principle the following confirmations / revisions are requested prior to determination:

- TR39 – confirmation that a footway / cycleway would be provided from the severed north section of Ebbsfleet Lane to the proposed service road that carries on down to the Ebbsfleet roundabout; that a crossing would be provided at the Ebbsfleet roundabout; and that the small remaining section of TE39 (between the new road and Ebbsfleet Lane) would be stopped up.
- TR32 – the need to divert the footpath to the Foads Lane crossing point is accepted, however the new route should ‘cut corners’ as appropriate rather than turn at a right angle when it meets the new road.

Footpath TE37 would pass under the proposed road and it would therefore be unaffected. The PROW officer also provides general advice for the applicant.

45. **Environmental consultant (noise/vibration/air quality):** Comments as follows:

- The Supplementary Report on Noise and Air Quality satisfactorily addresses my [earlier] concerns raised with the proposed mitigation measures incorporated into the noise predictions made.
- [On air quality] I note that the applicant has changed the significance criteria and therefore the impact of the scheme has altered slightly. I am however satisfied that air quality is not predicted to approach Air Quality Objective Levels at any property,

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and as such should not cause detriment to amenity at the closest sensitive properties.

- The proposed Cliffsend underpass would create a large noise barrier to many properties in Cliffsend. Although the carriageway is to be raised {under the amendments}, the increase in noise levels would not create a significant change that was predicted before.

46. Landscape architect: Comments as follows:

- The proposed road scheme runs through a varied landscape, but always with an open character. Existing vegetation tends to take the form of isolated small blocks and linear belts, for example along the railway. These are particularly significant from the higher land close to the boundary with Manston airport.
- In summary, no objections are raised to the landscape principles of the scheme. The landscape strategy plans contain sound principles including suitable mounding provided in critical areas. Detailed plans should show all proposed species, densities and planting sizes. The choice of species and densities is critical to providing the required variety of planted forms from woodland down to lower level scrub. Mounding should be disguised and where the critical visual impacts occur they should be responded to with suitably dense planting. Evergreen species could be carefully used in the plant mixes to achieve adequate screen where appropriate, these areas are discussed above. Detailed planting proposals should take full account of existing planting areas, localised management and planting enhancement details should be provided to ensure that they flourish long term. Details of protection to existing trees and wooded areas should be shown.
- Richborough to Ebbsfleet – This area is visually degraded, and the highway detail and landscape proposals should seek to rationalise existing clutter and provide a stronger more sustainable landscape framework.
- Ebbsfleet Roundabout to north of Ebbsfleet Farm Cottages – Screening of the properties on Ebbsfleet Lane should be the priority, with bunding and dense planting. Off site by agreement planting east of Weatherslees Hill would be desirable.
- Ebbsfleet Farm Cottages to Cottington Road Bridge – The landscape setting here is less constrained by local visual impact except for the users of the golf course. The character of the continuous planted belt to the south eastern side of the road alignment could be a little more open in nature. At the Cottington bridge the objective should be dense screening. The buildings of the golf course and in particular one residential unit are visually impacted; the combination of the 2 metre screen mound, a proposed planting depth of between 40 and 60 metres (including some evergreen species) and some existing planting should adequately mitigate the impact.
- To Sevenscore Roundabout – The embankment continues and would form a notable feature in the open landscape, in this situation the planting should link to the existing railway embankment planting and form a contiguous landscape feature. There should be some variation in the grouping of the plant species to avoid a solid unchanging line, in this respect the enlarged area close to the roundabout should be seen as a more significant visual feature.
- Sevenscore, Cliffsend Underpass to Lord of the Manor – The planting to the railway embankment will screen Cliffsend to the east, however it is felt that in the detailed scheme planting should be provided on the embankment to the west of the route. Dense planting should be provided around the new junction south of the railway.
- Sevenscore to Cliffsend Roundabout – The planting detail should show a scrubby or hedge scale type of planting to soften the road line running up the hill, as linear belts are not atypical of the area. The roundabout at the top should form a wooded copse.

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Planting on the eastern approach should contain larger species to mitigate the streetlighting columns.

- Cliffsend Roundabout to Minster Roundabout – It is noted that planting along this section has some restrictions in relation to the airport. The proposed use of intermittent planted blocks is considered to be the correct approach but regular spacing should be avoided. There are some long distance visual impacts from the south, however they cannot be considered to be significant over and above the existing situation.
- Cottington Road Lagoon – This feature is very functional in visual terms, and it would be preferable to provide a dense tree and shrub screen
- Roundabouts – The strategy plan shows planting on some and not others, with no apparent logic. At the Lord of the Manor there is a definite need to screen so there is a clear function. The other roundabouts' detailed design should aim to create notable points, which act as subtle landmarks with slightly different characters.

Local Members

47. The Local Members, Mr C Hibberd, Ms E Green, Mr A Poole & Mr L Ridings, were notified of the application on 21 July 2005 and of the amendments at subsequent dates.

Publicity and Representations

48. The application has been advertised by way of site notices and a newspaper advertisement, and on three further occasions in response to amendments and further information. In addition, over 1200 properties were notified individually by letter when the application was first received. Letters of representation have been received from 15 different addresses. The points raised in representations are summarised as follows:

GENERAL POINTS

- We do need better roads to take commercial traffic in Thanet, but why take a sledgehammer to crack a nut? Thanet will turn into a vast urban sprawl.
- Employment and regeneration are important in Thanet, but a major potential earner, the leisure industry, seems to be entirely forgotten. The potential for tourism remains just so long as Thanet is not ruined environmentally, scenically and culturally.
- The last thing we need is another dual carriageway, devastating the countryside of the Wantsum channel, both its culture and wildlife. The coastline from Broadstairs to Foreness Point is full of pretty bays and golden sands but the beaches are empty. The approach from Canterbury or Dover is so off-putting.
- Not enough consideration has been given to the welfare and environment of nearby dwellings, some of which were built in the 17th Century.
- The scheme would be environmentally damaging, is being planned in the wrong place, and does not serve the traffic needs of the area viz. access to Thanet, the Westwood retail development and the possible expansion of Manston Airport.
- The A229 actually copes more than adequately with the traffic. Other roads should be given priority for improvement instead, such as the A28 between Canterbury and Birchington or the A2 at Dartford.
- The newly dualled A229/A256 would not solve the major bottleneck at Lord of the Manor. The main problem is still Haine Road.
- Canterbury Road West and Sandwich Road would be used as rat runs.

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- The benefits such as increased employment are overstated.
- The original concept was to ease traffic congestion to Pfizer, yet Pfizer has just made 400 people redundant. Plane Station and EU Jet have gone into administration and the airport commercial future is limited because of high oil prices and its remoteness to centres of population. The existing road network is coping at the present time and will be more than able to in the future.
- You should not be covering more farm land with concrete, since it adds to global warming and deprives us of ground water.
- Building on open countryside would have a significant impact on the natural environment. The excessive lighting would cause fatalities to the barn owl and bat population at Thorne; the only known badgers sett in Thanet is also at Thorne.
- There would be the possibility of infill housing on the fields bordering the new road.
- The proposed Lord of the Manor junction should not have traffic lights. They would cause significant delays to traffic flow. Roundabouts should be used instead.
- There are badgers and bat roosts present very near the proposed road. The road scheme would have a devastating effect on wildlife, causing infill and destruction of habitat, and the proposed badge tunnel is too far east for movement between the setts.
- The proposed area is rich in settlements from Iron Age, Saxon and Roman Britain.
- If the scheme goes ahead, a screening or tree planting programme should be implemented at an early stage.
- The new road should have a 50mph speed limit, to reduce the risk of accidents, similar to Phase 1A alongside Pfizers.
- Overall objection to the plan in terms of impact on landscape and the environment, since an upgrade of the original road would be less costly and less destructive of the area.

NOISE AND LIGHTING

- A number of respondents raise concerns about noise impacts and lack of bunding/acoustic screening on the road south of the airport runway, particularly as it passes properties in Way.
- Residents in Way already suffer noise from the Airport; let us do everything we can to spare them the (constant) noise from the new road.
- The proposal breaches the right to respect for private and family life. My home would be within 100m of a major arterial route and would be adversely affected by noise.
- The proposal would affect the tranquility of my property.
- It seems only reasonable that our lives and comfort should be considered, along with the convenience of road users.
- Insufficient concern has been taken over the pollutants and noise levels from this road, with the prevailing wind from the south west.
- Exactly how close does a property need to be to qualify for noise insulation?
- The noise assessment does not consider the type of road surface; the quietest possible surface should be used.
- No consideration is given to noise impact from the rest of the new road where it does not run in the underpass at Cliffsend.
- The noise table does not cover any properties in Walmer Gardens, Foads Lane, Oakland Court, Oak Hall Drive or Beech Road, all of which will clearly be affected by noise pollution from the proposed road.
- If this road must be widened or moved, the provision of a soundproofing bank would make the road better for its neighbours than it is at present.

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- What noise reducing measures would be taken for the new road? Sandwich Road [A256] is noisy as it is, and it is only single carriageway.
- Raises concerns about the use of streetlighting and light pollution.
- Pilots may be confused by the streetlighting; the A299 should not be lit.

CLIFFSEND AREA

- Cliffsend would be blighted by the new road.
- Putting a dual carriageway through the middle of a village [Cliffsend] is wholly inappropriate. It is quite feasible to bypass the village altogether.
- There would be a significant impact from the road passing under Foads Hill [Cliffsend Underpass] and across the farmland.
- Restrictions to access are needed at either end of Cliffsend to prevent the old A299 becoming a rat-run.
- It is entirely inaccurate to suggest that Cliffsend will not suffer severance because of the underpass proposal, since it will only pass under a small section.
- It is inaccurate to suggest that the impact on Cliffsend would be only moderately adverse and would be only slight with planting, and does not consider those properties that look directly across open fields (Oakland Court, Walmer Gardens, Foads Lane, Oak Hall Drive, Beech Grove).

COTTINGTON ROAD AREA

- The proposed Cottington Bridge would destroy one of the two main views deemed worthy of protection in the Thanet Local Plan. It is an exceptional area of attractive, unspoilt countryside with sea views across the channel.
- The proposed Cottington Bridge should not be visible from the rear of my property [in Oakland Court, Cliffsend]; nor should any lighting or headlights on the raised part of the road cause light pollution. An unnatural skyline may result if trees are planted on raised land. Any trees planted should be evergreen to reduce the impacts.
- Cottington Road would become a rat-run to access the new roundabout at Sevenscore, particularly by residents of Cliffsend trying to avoid hold ups at Lord of the Manor. Cottington Road is not suitable or safe for heavy traffic.
- The closing off the various lanes would result in increased local traffic along the back road between Minster and Cliffsend, which is narrow and dangerous for cyclists.
- It is inaccurate to suggest traffic will not increase on Cottington Road, since Cliffsend residents can only access the new road at the Sevenscore Roundabout.
- The proposed bund at St. Augustine's Golf Club will not benefit the residential properties; are Golf Club more important the people who will have to suffer constant noise and light pollution?
- How high will the road be as it rises from the Sevenscore Roundabout over the railway to Ebbsfleet? The street lights could be 50 feet in the air, with lorries viewed some 30 feet in the air.

WAY AND WAYBOROUGH

- Several respondents object to the proposed A299 dual carriageway sweeping to the south near between Minster roundabout and Thorne Hill, close to residential

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properties. Nearby properties, such as Dellside, Ashenmeade and Mill Cottage, would suffer from extra noise, air and light pollution.

- The road would be 3-4 metres from our boundary and would have an extreme impact on our quality of life both in environmental terms and visual outlook.
- Options of putting this section of the road in a cutting or creating a substantial embankment or noise bund are put forward.
- Even a modest earth bund will protect Way from noise and nuisance, given the relatively flat and open landscape.
- The intermittent planting along the improved A229 should be significantly increased.
- The proposed road sweeping to the south would cover hundreds of acres of green field in concrete unnecessarily.
- Any argument about pilots mistaking the road for the runway are unfounded due to modern aircraft instrumentation and procedure. Gatwick and Heathrow have many surrounding roads, so it is obvious they make no difference to airport operations.
- The link joining the cut-off ends of Way Hill and Thorne Road should be removed.
- We live in a Grade II Listed Building in Wayborough Hill and secondary glazing may not be an option.
- There are no references to the inhabitants of Way, who live in Wayborough Hill and Way Hill, and who would be directly and detrimentally affected by the proposal.
- As the top of Wayborough Hill would be stopped off, our only access out would be via Way Hill to the B2058 Minster to Cliffsend Road; this junction is very hazardous as each side there are blind bends in the road.
- Provision of cycle lanes / footpaths from Wayborough Hill to Ramsgate and Minster would be essential.
- We see no suitably sited turning point for vehicles, particularly in our case, for caravans to our CL [Certified Location] site [residents of Wayborough Hill].
- Raises concerns about noise from increases in traffic speed, traffic calming, control of light spill from streetlights, and whether there would be planting and bunding with respect to the A299 section fronting the Airport. What alternative access would there be to Wayborough Farm?
- If the existing road is to be dug up, can the material be used to create an earth bund between the new road and the housing? I have still not been told why the new road must move nearer to the houses at Way.
- There is an opportunity to save money if the spoil is used to build a bank 7 metres high on the south side of the road; it would save the cost of dumping it as well as making a sound barrier, plus reduce aircraft noise and fumes whilst they are on the ground with their engines running.
- The plan includes shrub and tree planting, but they do not stop traffic noise.
- Could the road not be moved nearer to the Airfield, rather than alongside properties in Wayborough Hill, or if not some form of noise protection be built?
- The only reason for moving the road is to accommodate Manston Airport, to facilitate their radar system; if it is important to them, they should pay for it.
- Pleased to see a bank and planting is now to be constructed at the top of Wayborough Hill and Way Hill, but should be extended to meet with Laundry Road.

ALTERNATIVE SCHEMES / ROUTES

- One alternative would be for the road to go to the north of Cliffsend across the edge of the airport (as the future of the airport looks uncertain), or to have a tunnel underneath it.

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- The closure of Manston Airport removes one of the major objections to online improvements of existing roads, which would be cheaper, more direct and environmentally more sound.
- The dual carriageway should follow the existing A299 as far as possible, and leave the farmland more or less intact.
- It would be more favourable to build a second road next to the existing.
- The new road should follow the line of Thorne Hill directly down to Ebbsfleet Lane to, thereby having less impact on Cliffsend village. Thorne Hill is already being used as a rat-run for Pfizer employees.
- The A256 along the seafront at Cliffsend should be dualled and pass through the old Hoverport site, with a link from Lord of the Manor roundabout to a new roundabout north of Manston, which would then connect with the Westwood retail development and via a route to the north of Manston Airport to the A299.
- The proposal uses large areas of green land when an alternative route using the old Hoverport site exists but was not properly explored.
- Questions the route through an agricultural barn off Ebbsfleet Lane, rather than along Ebbsfleet Lane or across part of the golf course.
- The scheme should be considered in relation to discussions of a new route the other side of Manston Airport to service Westwood.

PEDESTRIAN AND CYCLE ROUTES

- The pedestrian / cycle bridge over the railway east of Lord of the Manor roundabout is 3 times the length of the new (1992) bridge. It serves no useful purpose and is an inconvenient dogleg that most cyclists would avoid.
- There is no connecting cycleway on the A256 towards Haine; this is a narrow dangerous stretch without a footpath or space for cyclists to travel safely.
- There is no connecting cycleway on the A256 towards Sandwich until past the Chalk Hill turning and the road here is not that easy for a cyclist.
- The plan needs a re-think for cyclists before any such design is put in place.
- The proposed cycleways should be sited away from the dual carriageway.
- Could the old A299 be converted into a cycle path on completion of the new road, since the present cycle route along Foxborough Lane and Grinsel Hill is narrow and dangerous?
- Footpath TR 32 is a popular walk and needs to be retained.
- Why does the footpath/cycleway run on the Airport side of the road when it is to the south side on prior sections? There would be more separation between housing and the traffic, and better views for users, if it was on the south side.

ST AUGUSTINE'S GOLF CLUB (RAMSGATE) LTD

- The application as initially submitted ignored the debilitating aspects of traffic noise and visual degradation on the golf course and clubhouse environs, [particularly near to the proposed Cottington railway bridge, where the club professional's house is located]. This has only now been belatedly addressed through the recent submission, which states: "even with the bunding in place the impact at the Golf Course is substantial when compared with the exiting situation". The company has therefore employed acoustic consultants to carry out an independent assessment. The scheme would be of a magnitude that may engulf and destroy the inherent character and peaceful ambience of the golf club. The Club, established in 1908, provides significant contributions to the community and the tourist industry.

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- The Golf Club's own consultants dispute some of the calculations and conclusions of the applicants' consultants on both the predicted changes to the local noise climate and air quality. The Club continues to be concerned at the County Council's lack of appreciation of the debilitating consequences that the new road would have on the Golf Club's future. Particular emphasis is laid on the environmental surroundings of the patio, terrace and bordering land, together with the vitally important financial benefits from the associated leisure facilities.
- There will be a substantial increase in noise for the Clubhouse and the professional's house and the Land Compensation Act will apply. Legal advice is being sought on compensation for the deterioration of the noise climate for outdoor activities. A key issue is the noise level on the Clubhouse terrace, and the fact that events are held in marquees at some distance from the building where noise levels would be higher than the County Council's calculations. The WHO noise criteria used only relate to residential areas and are not applicable to the outdoor area of a golf club used for entertainment functions. Provisions of the Noise Insulation Regulations are only relevant for internal noise and not the deterioration in outdoor noise level.
- There would be a substantial increase in noise, with the environment changing from a quiet background without traffic noise to one of continuous traffic noise. The existing quiet area of the Clubhouse should be preserved according to WHO advice, which would mean relocation of the facilities.

NON MATERIAL PLANNING MATTERS

- A number of respondents comment on the cost of the scheme, the potential for falling house prices and blight, the need for compensation or soundproofing, and the possibility of compulsory purchase of land/property.
- Also, several letters have been received from directly affected landowners raising various issues about compensation, alternative proposals, local access arrangements, etc. These matters are the subject of individual, and in some cases ongoing, correspondence with the Highway Authority which will address such matters through Compulsory Purchase procedures, compensation negotiations, and/or accommodation works, in the event of the scheme proceeding. However, some general points have been included below.

LAND OWNERSHIP MATTERS

The scheme is not cost effective, is environmentally damaging, and does not serve the traffic needs of the whole area, eg. Westwood and Manston Airport.

A better scheme would to continue the dual carriageway to the north side of the airfield, linking to Westwood and then via the Lord of the Manor Junction and via the old Hoverport site, which would be less costly and require no bridges or tunnels.

Alternatively the existing A299 should be dualled and routed under the Jentex plant at Cliffsend to meet the Lord of the Manor Junction.

The scheme is no longer required given the scaling down of operations at the Pfizer plant and the recent failings of Manston Airport.

The serving of the land ownership notice was not legal being later than for other landowners, who have already been involved in discussions with KCC over access to their land for later development. This whole matter needs to be referred to the Office of the Deputy Prime Minister and/or European Court.

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The scheme does not need to come onto my land and destroy an Ancient Monument, and could easily be site elsewhere.

I insist on being heard at public inquiries for the planning application and the scheduled monument consent application.

The scheme would affect all farmers and landowners very substantially both in the short term and the long term and the following general objections are raised:

- New roads rather than upgrading existing has a severe impact on the open landscape, protected by the Local Plan, and the proposed planting would be an alien feature.
- New roads in open landscape is contrary to the presumption against development on greenfield sites.
- Upgrading existing highways is entirely feasible, but KCC chooses to impact on farmland, businesses and the countryside.
- There is over protection of the A256 corridor, since the existing road itself has no special nature significance.
- There is severe impact on agricultural land because it is mainly Grade 1 (the best and most versatile), it used for vegetable cropping, irrigation will be difficult with smaller, awkward shaped fields, more concrete access roads will be needed simply to access severed land, and pollution will be increased in previously unpolluted areas.
- There would be severe impact during construction, with noise, dust, crop damage and additional traffic.
- There would be direct impact on businesses, such as the resiting of the coldstore.
- A network of country lanes would be rendered less accessible for houses and farmland because of being stopped up or more heavily used as short cuts.
- The likely eventual closure of the Sevenscore level crossing would be disastrous for farmers, and would force more farm traffic onto main roads.
- The proposed protection zone for the airfield is unnecessary, and creates awkward severed areas, given the likely closure as an airport.
- The lighting and high level crossing of the railway at Cottington would not contribute at all to the countryside.
- Dual carriageways imply a significant increase in road capacity which is not necessary, with closure of the Airport and uncertainty at PfiZers, and general lack of demand for business space in Thanet.

Objection is also raised to the proposed passing bays on Thorne Hill and Cottington Road, plus amendments to the Sevenscore cross road, since they intrude into Grade 1 horticultural land and would hamper efficient farming around them and reduce productive capacity.

Objection is also raised to the lighting of the new road between the proposed Sevenscore Roundabout and the Lord of the Manor Junction as excessive and drawing attention to the road.

In response to the latest amendments:

The new road is now proposed to be 25 metres further north, so as to include the bund between Laundry Road and the top of Thorne Hill, but the area of land acquisition has increased substantially. Although partly counterbalanced by less land being sterilised between the new road and the airfield, the increased loss of agricultural land is significant. More localised noise screening could be constructed in the immediate vicinity of affected houses and we would ask the Committee to consider that. The height of the mound is also not clear and if to be 2.5 to metres would be better as tree and landscaping planting.

Discussion

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49. The application seeks planning consent for a major transport proposal by the County Council and needs to be considered in the context of the relevant Development Plan Policies, and in accordance with Environmental Impact Assessment procedures, together with any other material considerations from consultations and publicity. In this case, the proposal is above and beyond the scheme envisaged in the approved Thanet District Local Plan and the proposal therefore represents a departure from the currently approved Development Plan.

Background

50. The Scheme relates to the two main transport arteries of the A256 from Dover to the Thanet towns of Ramsgate, Margate and Broadstairs, and the A299 Thanet Way from Canterbury to the Thanet towns. Together with the existing A2 Trunk Road from Canterbury to Dover, these two routes form the skeleton of the East Kent Triangle and are therefore the main conduits for the movement of people and goods in East Kent as whole.

51. Phase 1 of the East Kent Access has already been through the planning and other statutory procedures, with Part 1a (a link from Ramsgate Road, Sandwich to the Sandwich Bypass) is already completed, and Parts 1b and 1c (dualling of the A56 from Sandwich to Cliffs End) is currently under construction. Phase 2 proposes a completion of the north-south A56 improvements by creating a new alignment to the west of Cliffs End, together with improvements to the east-west A299 Thanet Way route from Minster to Ramsgate.

52. Phase 2 has been subject to lengthy public consultations in recent years, because of the need to investigate the optimum solution for a new off-line route for the A256. Public exhibitions and local consultations (in March 2001 and July 2004) have influenced the final choice of route, initially approved by the County Council's Highways Advisory Board in July 2001 (with amendments approved subsequently in September 2005 and March 2006), although there remain some differences of opinion locally over the preferred route. In particular, there has not been unanimous support for the route finally selected, but it does have the benefit of support from the majority of local community interests. It should be noted that some affected landowners and businesses, as well as some local residents, would prefer some alternative route. Although the potential for alternative routes and solutions is an aspect examined in Environmental Impact Assessment, the decision on the planning application must focus on the proposals that are currently before the Planning Authority.

Procedural Aspects

53. The Planning application is one which is subject to formal Environmental Impact Assessment (EIA), and it is therefore accompanied by an Environmental Statement prepared by the applicants. EIA is a process which runs in parallel with the planning application process, but extends well in advance and some way beyond the planning application itself. However, the two processes combine at the planning decision stage, in that the Planning Authority cannot actually determine an EIA planning application unless or until it has taken account of all the relevant environmental information. It cannot for example come to a view on such a planning application in advance of receiving or assessing any relevant environmental information.

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54. The planning application itself is also a departure from the approved Development Plan, in that the route currently being pursued varies from the proposals indicated in the approved version of the Thanet Local Plan. Should Members be minded to permit the planning application, it would be necessary therefore to first refer the application, the Environmental Statement and all consultee responses and representations to the Secretary of State to afford her the opportunity of deciding the case herself. The planning application has been subject to wider publicity because of its departure status.
55. The planning application has also been subject to wider consultation because of its EIA status and also a series of amendments. English Nature, the Countryside Commission and the Environment Agency are key consultees on EIA cases. In response to objections and concerns from these and other consultees and local residents, the applicants have amended the proposals three times since its submission, including:
- amendments to the submitted Environmental Statement and further information and responses to assist the planning consultation exercise;
 - revisions including lower depth of underpass, and reduced landfill at Cliffsend, plus an alternative route of the outfall pipe to Pegwell Bay;
 - realignment of the new A299 Thanet Way carriageway northwards between Minster Roundabout and Wayborough Hill.

Planning Policy Context

56. Planning policy relating to this particular scheme applies at all layers. First, the Government's Regional Planning Guidance 9 seeks to make better use of land and manpower resources in the east of the region as a key element of economic policy and sustainable development. The East Kent coastal towns and former coalfield are identified as a Priority Area for Economic Regeneration, following the undermining of the local economy with the decline of both mining and tourism in recent decades. Investment through 'regeneration and renewal' is a key priority, involving a range of public and private sector initiatives to improve the environment, housing, leisure, education and the transport system. Much of the urban areas have European Regional Development Fund (Objective 2) status, to promote economic regeneration and the stimulation of enterprise.
57. The Regional Economic Development Strategy (produced by the South East England Development Agency) also promotes the retention and nurturing of key sector companies, such as the existing pharmaceutical, high-technology and power generation cluster in East Kent, through measures such as improved road and rail accessibility. The proposed transport scheme clearly accords with the main thrust of the Regional Policy, although the Guidance also recognises the importance of protecting the region's countryside and environment.
58. Secondly, there are many policies of relevance to this application in the Approved Kent Structure Plan. In particular, Policies S1 and S2 seek to promote sustainable development and conserve the Kent environment. S3, S4 and EK2 together seek to stimulate economic activity in East Kent. Policies S7 and T2 relate to transport improvements projects, such as the East Kent Access scheme. The soon to be approved new Kent and Medway Structure Plan carries forward these policy motives within its new suite of policies, as summarised under paragraph 12 above. The East Kent Access

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Phase 2 scheme is specifically identified and safeguarded under new Policy TP7 as a scheme being promoted in the current Local Transport Plan. Overall there is a strong strategic planning policy backing for the proposed scheme, through policies already embodied in the approved Development Plan for Kent. However, there are other strategic planning policies, which for example seek to protect the countryside and environment, which are also of importance to the determination of this planning application.

59. Thirdly, there is a similar raft of relevant planning policies embodied in the Local Plan. In particular, approved Policies TR2 and TR4 relate to local transport improvements, whilst draft Policies TR3 and TR5 jointly promote the implementation of the East Kent Access scheme. Similarly, these policies do not in themselves override all other policy considerations, and there are many other policies in the Local Plan of relevance to development in the countryside, affecting designated protection areas, etc. which also need to be investigated and balanced against this otherwise formidable policy backing for the project.

Transport Issues

60. The 2004 Regional Transport Policy stems from the earlier RPG 9 and cites the need for improvements to the transport system, with the development of infrastructure and port diversification as the 'springboard for economic regeneration'. Policy in particular promotes the support of the region's international gateways, development of the network of 'regional spokes and hubs', and more sustainable transport connections to the region's ports. Given that the East Kent Access scheme will enable improvements in public transport and better management of the highway network, as well as improving the arterial accessibility across the area to the ports, I consider that the proposals fully accord with the Regional Transport Policy.
61. At the strategic and local level, the proposed scheme comprises a package of potential benefits, including improved accessibility for the area, better access to the ports and areas of economic activity, enhanced provision for alternative modes of travel to the private car, better opportunities for management of the highway network, local traffic calming opportunities, together with local environmental improvements for many residents affected by the existing congested highway corridors. Additionally, the scheme would provide improved access to, and between, certain key sites such as Manston Airport, Ramsgate Harbour, Westwood Cross and the Pfizers development at Sandwich. Accessibility to Thanet has improved significantly in recent years with the stage by stage improvement of the A299 Thanet Way, and this scheme would include the completion of the east-west missing link to Ramsgate, as well as north-south to Sandwich and Dover. Under the circumstances, I consider that the application also fully accords with the strategic and local transport aspirations for the locality.

Residential Amenity Issues

62. A large number of local residents would be affected by the proposals, particularly in the communities of Cliffsend, Wayborough and those fronting the existing A256 between Richborough and Pegwell Bay. A significant number of homes would benefit from reduced visual intrusion, traffic noise, dust, fumes and localised congestion along the existing A256, which the Environmental Statement (ES) identifies as some properties.

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However, a lesser number would be inevitably affected by increased visual and noise intrusion if the scheme proceeded, by virtue of the fact that they are currently distanced from the main transport corridors. The ES has examined the various effects on these properties and assessed that some properties would qualify for noise insulation through secondary double-glazing, although none would suffer a deterioration in air quality exceeding the objective levels in the National Air Quality Strategy. Nevertheless, the proposals do include some mitigating measures in the form of earth bunding and some noise fencing, together with a more sound absorbent road surfacing compared to the existing roads.

63. The construction of the scheme would take some two years, which would cause some inevitable temporary noise disturbance, dust nuisance and access inconvenience for neighbouring residents. The applicants propose to time works and activity, and to manage traffic movements, to minimise such impacts where practicable. Additionally, conditions could be imposed on any planning consent to exercise some further controls over construction activity. However, it is not possible at this stage to assess the impacts of any construction compounds, because the location of such is a matter for negotiation between the contractor (once appointed) and affected landowners.
64. Similarly, it is not possible at this stage to assess the proposed traffic management proposals for the residual highway network, if the scheme were to proceed because such details have yet to be finalised. The applicants have confirmed that it is the firm intention to carry out such measures as necessary, and in particular works to the A299 between the Cliffsend Roundabout and the Lord of the Manor Junction and to the A256 between the proposed Ebbsfleet Roundabout and the Lord of the Manor Junction. A sum of money has already been allowed for such measures being carried out in the scheme cost estimates. Traffic calming measures, and possible access restrictions, will be especially important on these lengths of carriageway to deter their use by through and extraneous traffic. Moreover, I consider that such works are essential if the local environmental benefits and improvements to residential amenity of the scheme are to be fully realised.

Community Impacts

65. Aside from introducing through traffic into areas currently more distanced from it, there are other impacts on local communities which are assessed in the ES. Removal of through traffic through the northern part of Cliffsend would reunite that community which is currently severed by the existing A299. An attempt has been made to reduce the potential severance effects of the new link to the Lord of the Manor junction by lowering the road into a cutting and an underpass under the railway line and Foads Lane. That would also reduce its noise and visual impacts, but still have a severing effect for Cliffsend. However, the existing railway line already has a significant dividing effect in the centre of the village, so the overall change is unlikely to be significant in my view.
66. Public Rights of Way are also affected, with three Public Footpaths severed and requiring re-connection through formal diversions. The most unpopular diversion is that of TR32 which runs north-south to the west of Cliffsend, which would need diverting to cross the new road where it would be in the underpass under Foads Lane. It is unfortunate that its existing straight alignment could not be maintained, but that would only be possible by either constructing a footbridge across the cutting or lengthening the underpass, neither of which could be justified on cost grounds. However, the

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acceptability of this diversion would ultimately be tested through the later Statutory Orders process. Diversions to the other Public Footpaths can generally be accepted as minor, or adequately compensated by the significant improvements to cycleways if the scheme was to proceed.

Socio-Economic Aspects

67. The potential significant benefits to economic activity in the area have already been referred to above, with an overall removal of some of the barriers to inward investment and commerce. Thanet is one of the most socio-economically deprived areas in the South East with pockets of high unemployment, and the ease of access to the Thanet towns, Manston Airport and Sandwich, etc. would greatly assist in generating new employment and trading opportunities.
68. Some existing businesses close to the new road might be initially disadvantaged though by more circuitous access arrangements. The Highway Authority would undertake to minimise such impacts where possible, and is duty bound to maintain existing means of access on the public highway; where agreement is not reached through negotiations, disputes are settled through the later Side Roads Order process. Several farm holdings are affected by the scheme, as referred to below, and can be similarly disadvantaged by the proposals.
69. The proposals would also affect local tourism and recreation. I consider that the applicants have been cognisant of local historic features, Pegwell Bay Country Park, Public Rights of Way, etc. in finalising the precise road alignments, but there remains an unresolved dispute with one of the Golf Clubs impacted by the scheme.
70. The St. Augustine's Golf Club opposes the scheme because of the increased noise and visual intrusion of the road. Although not directly affected, the Golf Course is adjacent to the proposed road where it cross the railway at Cottington Road, and the impacts on the professional's house, the Clubhouse and its external terrace area are considered to be unacceptable to the Club. Notwithstanding the disputed criteria for calculating and assessing the noise impacts, whether the overall change in noise climate is judged to be significant or not would be a matter for settlement through compensation procedures. From a planning viewpoint, I accept that there would be an appreciable change in background noise for the Golf Club, particularly if they choose to use the premises for ancillary activities like outdoor social gatherings, but that is not sufficient reason on its own to justify refusing the application or insisting on a re-alignment. In particular, the road is capable of being satisfactorily screened in visual terms at this point by a combination of fencing and planting, but to move the road further away sufficient to offset the noise impacts, would transfer the alleged noise nuisance from a primarily non-residential operation to residential properties to the west.

Other Environmental IssuesLandscape and Visual Intrusion

71. The proposed route passes through a relatively open and visually exposed landscape, with clusters of built development at Wayborough, Cliffsend and Ebbsfleet/Richborough. Vegetation cover is generally sparse on the higher chalk topography, other than where part of residential curtilages/boundaries. Further south there is more seclusion because

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of the lower ground contours, more extensive tree cover and more extensive built development. Intensive farming and human settlement has gradually altered the natural landscape but the gently undulating contours remain largely undisturbed. To route a new road through such an open landscape is inevitably going to introduce a visual change, which would be discernible in longer distance views as well as from some local vantage points.

72. Using the standard nomenclature of landscape character assessment, the overall impact of the road on the landscape is judged to have a 'moderate adverse impact'. However, to attempt to shield the road from view by providing extensive and linear planting and/or earth mounding would be merely emphasise the existence of the road since such elements are themselves alien features in this particular landscape. Some landscape planting, bunding and fencing is necessary though in places to afford reasonable screening from particularly exposed properties, and the scheme therefore proposes a mixture of predominantly native planting and subtly contoured earth modeling to soften the overall landscape intrusion.
73. Visual intrusion is also normally assessed by means of a standard assessment process to enable rational comparisons between different proposals and different localities. The visual impact assessment in the Environmental Statement follows the guidelines in the Government's Design Manual for Roads and Bridges, which takes into consideration the impact of highway structures, street lighting and the traveling traffic, as well as the road itself. Overall, the visual impact of the scheme is categorized as 'moderate' because of the relatively few properties that would be in close proximity. However, the level of intrusion would vary from one part to another and is likely to be the most significant at Ebbsfleet Lane, Wayborough Hill and Ivy Cottage Hill, where some mitigation has been proposed in the form of earth modeling and tree and shrub planting. Properties on the west side of Cliffsend would be less impacted because of the intervening railway embankment and its mature tree screen, although concerns have been raised by local residents about the elevated section where the new road would need to cross the railway and Cottington Road.
74. Mitigation for intrusion by street lighting has been proposed by restricting lighting to the junctions only and the link road through Cliffsend to the Lord of the Manor Junction. Additionally, the lighting would be of the high pressure sodium type with flat glass lanterns and sharp cut-offs to prevent lightspill beyond the carriageway. This specification of lighting has been successfully used on other County Council schemes in recent years and I would commend its use on this scheme because of its superior performance in reducing light pollution.

Air Quality

75. An air quality assessment of the proposals has also been undertaken as part of the Environmental Impact Assessment. Pollutants from vehicle emissions (nitrogen dioxide and particulates) from the existing roads already greatly influence current air quality in the locality. Those properties closest to the new road, such as in the Cliffsend, are the most likely to be affected by a reduction in air quality, although many other properties to the north end and south end of the village would benefit from improved air quality with the removal of through traffic.

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76. No mitigation for changes in air quality is required because the resulting levels are still below the accepted thresholds for such pollutants. The County Council's independent environmental consultants are also satisfied that the air quality impacts are generally acceptable.

Archaeology and Heritage

77. The proposed road passes through an area which is very rich in archaeological remains, with evidence of both prehistoric and more recent occupation. For centuries this part of Kent has been attractive for settlers arriving from overseas because of its proximity to mainland Europe and the easy landing opportunities at Pegwell Bay and the earlier existence of the Wantsum Channel. Under the circumstances, it is highly likely that construction of this scheme would unearth some artifacts of interest, as did construction of the nearby Ramsgate Harbour Approach Road and the dualling of the Thanet Way to the west of Minster. Re-aligning the proposed road to avoid likely remains is unrealistic since it would merely affect other known (or as yet unknown) remains. The County Archaeologist has therefore required that adequate provision be made for detailed archaeological investigation in advance of construction work, together with a watching brief to be maintained over other parts. In view of the historic importance of the locality, I would concur with this view and would advise that these requirements could be secured by the imposition of specific conditions on any planning consent.

78. The scheme also indirectly affects Scheduled Ancient Monuments, by passing close to Ozengell Anglo-Saxon Cemetery, Laundry Road Bronze Age enclosure and, to a lesser extent, St. Augustine's Cross off Cottington Road. However, these monuments are already adversely affected by passing traffic and the overall change is not likely to be significant. The road would also affect the setting of some Listed Buildings which would be nearer to through traffic than at present.

Ecology and Biodiversity

79. The proposed road passes alongside some major ecological protection areas, with varying levels of importance, including European designations of Special Protection Area, Special Area of Conservation and Ramsar Site, nationally identified Site of Special Scientific Interest and Nature Reserve, and locally identified Site of Nature Conservation Interest and Local Nature Reserve. Whilst the route of the new road has been specifically chosen to avoid any direct impacts on these formidably protected areas, the construction of the Cliffsend underpass necessitates provision of a drainage outfall into Pegwell Bay. The amount and quality of the fresh water involved in this discharge is not itself a matter of any serious concern, since it would be passed through appropriate interceptors to remove any pollutants. However, the route and excavation for the pipeline has been a matter of concern because of the potential breaching of the geologically and ecologically important cliff line and the likely disturbance of the former (collier shale based) Hoverport landing pad. In the light of these concerns, the application was amended to re-route the outfall pipe to avoid these features and English Nature and the other nature conservation bodies have now accepted this change.

80. Ongoing liaison with the nature conservation bodies has also identified impacts on various species, including protected ones, and the need for adequate mitigation to be agreed. Potentially affected species include birds, bats, badgers, water voles, dormice and moths. Appropriate surveys have been carried out and the results analysed, and

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suitable mitigating measures agreed, for each of these species with the exception of the moth species, which have only recently been identified as a possibly inhabiting the Pegwell Bay area. The new road does not actually have any direct impact on Pegwell Bay, so English Nature has accepted that the need for further survey work of the moths can, in this particular instance, be a matter governed by an appropriate planning condition.

81. English Nature, the Environment Agency and Kent Wildlife Trust have each identified certain aspects which they would wish to be secured by planning conditions, if the scheme was to be permitted, and I see no objection to incorporating these aspects. Mitigating measures offered by the applicants include re-location of water voles and reptiles, wetland habitat creation at Weatherlees Hill and Cottington Road, replacement native planting, fencing of certain areas to safeguard fauna and flora, appropriate timing of works to avoid prime seasons for bird breeding and wintering, bat roosting, etc. as well as employing street lighting with minimal light impacts on nocturnal species. Although one of the key environmental issues for this application, I consider that the ecological impacts have been adequately investigated and an appropriate range of mitigation negotiated.

Drainage and Water Quality

82. The proposed scheme would include a fully engineered system of positive drainage, with appropriate interceptors to filter out any oil and other contaminants before release of any run-off water to the natural environment. I consider that this is especially important in this locality because of the sensitivity of the existing freshwater ditches, ponds and watercourses and the internationally important marine environment of Pegwell Bay. In order to avoid localised flooding in the Cliffsend underpass, a pipeline to an outfall in Pegwell Bay is required which also feed through oil interceptors.
83. Opportunity would also be taken to enhance wetland habitat by extending the existing pond at Weatherlees and designing all culverting to enable species such as water voles to pass through. Should the scheme be permitted, full details of drainage and the proposed aquatic habitat creation would be reserved for further consideration by relevant consultees.
84. Whilst water quality is generally of a good standard in local watercourses, there is some evidence of metals, hydrocarbons and pesticides in the catchment area, which would be more likely to originate from existing industrial and agricultural operations than from the existing road system. Nevertheless, there is likely to be an overall improvement in water quality in the locality because of the superior anti-pollution measures to be incorporated in the scheme compared to the existing road network.

Geology and Soils

85. The northern part of the route crosses the fringe of the former Isle of Thanet, which is underlain by Chalk and the Thanet Sand. Where the route descends to the south it enters an area of more recent Brickearth, Chalk Head and Alluvial deposits. Made ground is only likely to be encountered where the road would meet existing highways, or be close to earlier engineering operations such as the railway embankment and the Lord of the Manor Junction.

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86. The intention is to minimise the amount of excavation on the scheme and to reduce the amount of imported material, by recycling the excavated material or using locally sourced material. In constructing the Cliffsend underpass, careful attention would be given to ensuring that there would remain an adequate impermeable covering layer of material to prevent any contamination of the groundwater aquifer.

Agriculture

87. Where the new road alignment strays away from the existing highways, it passes through a largely agricultural area, which is mostly in arable use. Clearly there would be some disruption to existing farming practices and severance of farmholdings, which are matters for land compensation if the scheme was to proceed. No views have been received from DEFRA, but several local farmers have lodged objections to the scheme. Planning policy presumes in favour of retaining the best and most versatile agricultural land, and a balancing exercise has been involved in minimising the loss of farmland and providing satisfactory local environmental protection for adjacent communities. In all some 39 hectares of farmland would be lost to the scheme, which is largely of high grade, and which cannot be replaced or mitigated other than through financial compensation. Members will note the strong concerns voiced on behalf of the local farming community above.

88. To mitigate the impacts on agriculture it is proposed to carefully time construction activity to avoid crop loss and dust contamination, responsibly maintain water supply and drainage provisions and to adhere to strict handling requirements for the removal, transport and storage of topsoil. Additionally, the applicants have negotiated alternative access points and accommodation tracks for farmers where necessary, including a replacement cold store, but some have contested the need for the scheme to affect farmland at all. My view is that if the scheme is to proceed at all it will inevitably take a significant area of farmland, or sever existing holdings, because suggested alternatives such as a route across Pegwell Bay is wholly unacceptable due to the formidable ecological and landscape constraints.

Other Construction Impacts

89. The scheme as originally submitted involved the excavation of some 500,000 cubic metres of material, due to the excavation of the underpass at Cliffsend. 300,000 cubic metres of that material would be used in other parts of the scheme, as part of a cut and fill exercise, and to minimise the generation of surplus material and the need for importing material. To accommodate the surplus material, the proposals originally included some earthworks infill alongside the new road on land to the west of the Lord of the Manor Junction, which has subsequently been deleted following objections from the Environment Agency. Since the proposals have been amended to reduce the depth of the proposed underpass by some 6 metres, the amount of surplus spoil has been substantially reduced. As pointed out by Manston Parish Council, there is a longstanding issue concerning the need to fill the earlier borrow pit at the nearby Spratling Court Farm, which has hitherto not been achievable because of prohibitive costs associated with Environment Agency requirements. Under the circumstances, I would wish to explore further the opportunities for resolving this matter in the light of the East Kent Access scheme, and other proposals, and would ask that Members delegate this particular aspect to myself to pursue with the applicants.

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Alternative Schemes and Solutions

90. Although the Planning Authority is charged with deciding the actual proposals which have been submitted, the question of alternative routes or solutions is relevant to Environmental Impact Assessment, and these are addressed in the Environmental Statement. The notion of an alternative route which would pass through, under or even immediately abutting Manston Airport is unrealistic and wholly unacceptable to the aviation authorities. In particular, some separation between the new road and the airfield is required to avoid conflict with the Airport's Instrument Landing Systems, and to provide ready access to the south side crash gates in the event of an emergency. Moreover, despite recent difficulties, there is no certainty at the present time that the airfield will not continue in aviation use in some form for the foreseeable future. However, negotiations with the Airport have enabled part of the new road to be moved closer to the airfield, providing greater separation from the houses at Waybrough and scope for some earth bunding. These adjustments have been incorporated in the most recent amendments to the application.
91. The possibility of aligning the new road along the existing Thorne Hill is also not feasible because there is a need for both a dual carriageway to convey through traffic as well as retention of the existing lanes for local access and as routes for other road users, such as cyclists and horses. Upgrading the existing A256 along the coastline is one of the options which was previously investigated, but it was discounted because of the unacceptable encroachment on the strongly protected land designations at Pegwell Bay, and the loss of local environmental benefits for some 80 properties which front the A256 and would still require some means of access. The use of any land at the former Hoverport site would also be unacceptable to the nature conservation bodies.
92. Suggestions for extending the scheme to provide a bypass to the village of Acol, are beyond the scope of the East Kent Access scheme and therefore the current planning application. However, the points raised can be investigated by Kent Highways as a separate matter and not therefore prejudiced by a decision on the current application.

Conclusion

93. The principle of completing the last phase of the East Kent Access is well established and firmly embedded in regional planning and transport policy. Accordingly, there is substantial planning policy backing for this particular scheme, because of the undoubted economic benefits it clearly would bring to a economically deprived area. Policies in both the Structure Plan and Local Plan support the urgent completion of this vital missing link in the infrastructure of East Kent. However, this particular part of the County is also rich in environmental assets, including unique archaeological and ecological areas, and there are therefore equally important Development Plan policies which presume against potentially damaging new development. Clearly a balanced view will need to be reached in deciding this planning application.
94. The environmental issues have been examined in some depth as part of the Environmental Impact Assessment, and have been subject to ongoing negotiations with the relevant environmental bodies. I consider that the key relevant environmental issues for this particular development project – ecology, landscape, archaeology, agriculture

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and residential amenity – have been properly assessed and I am satisfied that the EIA procedures have been fully complied with. As part of the EIA process there will be a need to deliver the promised environmental mitigation and enhancement, together with an ongoing need to maintain and monitor environmental conditions. I am satisfied that such matters can be fully addressed by the imposition of planning conditions should consent be given.

95. My own view is that the balance of evidence weighs in favour of planning consent, given the considerable policy support for the project and the capability of addressing environmental and amenity concerns through planning conditions and subsequent submissions. The applicants have been responsive to environmental concerns, as well as points raised by local residents, and have made appropriate adjustments to the scheme and amendments to the planning application. However, because the precise alignment of the scheme is at variance from the policies in the currently approved Development Plan, I would advise that the application and Environmental Statement be referred to the Secretary of State before any final decision is made.

Recommendation

96. SUBJECT TO no direction to the contrary from the Secretary of State for Communities and Local Government and SUBJECT TO the receipt of any further consultee responses by the date of the Committee Meeting,

I RECOMMEND that PERMISSION BE GRANTED to the proposal, SUBJECT to conditions, including conditions to cover the following matters:

- the standard time condition;
- the submission of details (including external materials) of all proposed structures, including bridges, roundabouts, walls/fencing/railings, gates, traffic signage, paving schemes and all hardened surfaces (including pedestrian/cycle routes) and highway lighting;
- the submission of long sections and typical cross sections for the proposed scheme;
- the submission of details of all new agricultural accesses and the treatment of all redundant lengths of carriageway;
- the submission of details of all drainage proposals (including the Pegwell Bay outfall pipe, drainage lagoons and all culverting) and water pollution control devices;
- the submission of details of the contractor's access and compound(s);
- the submission and implementation of measures to protect existing trees to be retained during construction;
- the submission and implementation of a scheme of landscaping (including all new planting and earth bunding) and a programme for its maintenance;
- the submission of details of all landfill of surplus spoil arising from the construction project (including aquifer protection measures);
- controls over the hours of construction activity and the routing of construction traffic);
- controls over the handling of excavated material (including the storage of topsoil);
- controls to suppress the generation of dust and prevent the deposit of mud on the public highway;
- the submission of specifications for prior archaeological field evaluation works, and details of all below ground foundation design;

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- the provision of protective fencing of the Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest;
- the submission of detailed management plans for the mitigation for all protected species, including water voles, and a detailed reptile mitigation strategy;
- the submission of a survey of protected moth species at Pegwell Bay, in advance of any works in that survey area, together with any necessary mitigation proposals.

I FURTHER RECOMMEND that the applicants BE ADVISED of the following items:-

- the need to liaise further with the Head of Planning Applications to ensure the optimum solution for spoil disposal associated with this scheme in the light of local circumstances
- the request of Dover District Council regarding proposed traffic management arrangements;
- the need to progress traffic calming proposals for the sections of the existing A299 and A256 to be relieved of through traffic to enable their introduction immediately on completion of the new road;
- the concerns of Manston Parish Council regarding the design capacity of the proposed Lord of the Manor Junction;
- the advice of the Environment Agency regarding the need for waste management licence, water abstraction licence, dewatering transfer licence, surface water discharge consent, the timing of works affecting Pegwell Bay and need for a detailed management study, etc.
- the advice of Southern Water regarding the prevention of risk of contamination of the public water supply;
- the advice of the Biodiversity Officer regarding the need for a mitigation plan and DEFRA licence to disturb bats, the need for an updated survey of otters, the need to avoid any disturbance to known badger setts, the need to retain invertebrate habitat and the need for details of wildlife habitat enhancement;
- the advice of the Biodiversity Officer and Kent Wildlife Trust regarding the appointment on an on-site ecologist;
- the advice of English Heritage regarding the impacts on the scheduled monuments and the need for Scheduled Ancient Monument consent;
- the advice of the Public Rights of Way Officer regarding the diversion of Public Footpaths.

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| Case Officer: Mark Funnell/Jerry Crossley |
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| Tel. no. 01622 221052 |
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| Background Documents - see section heading |
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S:DOCS/COMM/EAST KENT ACCESS PHASE 2 CTTE REPORT

Appendix to Item D2

APPLICATION TH/05/964 – PROVISION OF A NEW STRATEGIC DUAL CARRIAGEWAY TO IMPROVE LINKS BETWEEN THANET, DOVER AND THE KEY HIGHWAYS OF KENT – EAST KENT ACCESS PHASE 2

NOTES of a Planning Applications Committee Members' site tour of the proposed East Kent Access route on Monday, 30 January 2006.

MEMBERS PRESENT: Mr A R Bassam (Vice-Chairman), Mrs V J Dagger, Mr J A Davies, Mr J B O Fullarton, Mr T Gates, Mrs E Green, Mr S J G Koowaree, Mr T A Maddison, Mr J I Muckle, Mr W V Newman, Mr A R Poole, Mrs P A V Stockell and Mr F Wood-Brignall.

OFFICERS: Mr J Crossley and Mr M Funnell (Planning) and Mr A Tait (Democratic Services).

THE APPLICANT: Kent Highways represented by Mr G Cripps and Mr G Perera (Babtie).

OTHER LOCAL AUTHORITIES: Cliffsend P C (Cllrs Mrs B Harrison and Mrs M Fiander), Minster PC (Cllrs D Fuller and D Neville), Worth PC (Cllr I Martin), Sandwich TC (Cllrs Trussler, Kingsland, Rook and B Scott).

ALSO PRESENT were Messrs James and Shepherd representing St Augustine's Golf Club.

- (1) Members met at the offices of Sandwich Town Council before setting off on the tour. The Chairman welcomed everyone and explained Members of the Committee had come to see the application site and to listen to the views of interested parties.
- (2) Mr Funnell explained that the proposal was for a new strategic dual carriageway linking the A256 at Richborough Power Station, the A299 at Minster Roundabout and the Lord of the Manor Junction on the outskirts of Ramsgate. This represented the second phase of the East Kent Access.
- (3) Mr Funnell briefly outlined the progress of the East Kent Access transport development. Parts 1 A, B and C had already been constructed involving a two-way single carriageway north of Sandwich between the Ramsgate Road and the A256 Sandwich Bypass; the dualling of the A256 Sandwich Bypass; the dualling of the A256 from the Ramsgate Road roundabout north of Sandwich to Richborough Power Station.
- (4) Mr Funnell then said that the proposed works would incorporate new roads (including 8km of dual carriageway, four new roundabouts, a new junction at

Lord of the Manor, links to the local network and new service roads); structures at two level crossings (including Cottington Road Bridge and Cliffsend Underpass); improvements to cycleways and footways with two new "Toucan" crossings; earthworks (including infilling and landraising of land near to the Lord of the Manor Junction); drainage works (including a positive surface water drainage system for the entire route, drainage lagoons and a drainage outfall into Pegwell Bay); streetlighting for safety reasons at all the new roundabouts; various utility diversions; noise mitigation (including noise barriers, low noise surfacing for all on-line sections of the new road and noise insulation for eligible properties; ecological mitigation works and landscape planting; and archaeological investigations to be carried out in advance.

- (5) Mr Funnell continued by saying that construction would be expected to take about two years, with the excavation of 500,000m³ of material and the reuse of 300,000m³ in forming the raised embankments of the road.
- (6) Mr Funnell then informed the meeting that the applicant aimed to acquire the land needed for the scheme by use of a Compulsory Purchase Order and a Side Roads Order. The proposed dual carriageway would pass across land currently owned by some 26 landowners. It would pass near to properties in and around Minster and Cliffsend, Stonelees and St Augustine's golf courses, Weatherlees Hill WWTW as well as other properties and businesses.
- (7) Mr Funnell concluded by saying that the County Council, in considering this application, would have to examine it in the light of both national guidance and the appropriate Development Plan Policies which applied to the site, its impact on businesses and properties, and any other material planning considerations arising from consultation and publicity.
- (8) Mrs Harrison (Cliffsend Parish Council) asked why the roundabout onto the A299 had been moved nearer to residential properties in Cliffs End rather than its original proposed location further west along Thorne Hill. She said that there had been no consultation with local residents before the plans had been revised although the owner of Thorne Farm had said he would ask them. She suggested that the original proposed alignment should be followed as the current proposal affected the St Augustine's Golf Course and the beach area as well as Cliffs End.
- (9) Mr Cripps (Kent Highways) said that during the initial consultation period in 2000, local people had been given a choice of 2 conceptual options. The first of these involved improving the existing A256 and A299 roads. The second involved an offline route. At a well-attended public meeting, 80% of Cliffsend residents had supported the off-line concept. English Nature had also taken this view because of the likely impact on the SSSI and Pegwell Bay. The owner of Thorn Farm had suggested various alternatives in consultation with a number of local people. Kent Highways had then reviewed the scheme and

agreed that these ideas were valid and justified. Consequently, they had decided to run the road scheme due north to the A299 before turning left into the A299. This scheme had been agreed by elected Members of the County Council. The scheme had then undergone minor tweaking except in the Cottington Road area where Members had chosen a route through the barn at Stonelees in preference to through ST Augustine's Golf Course.

- (10) Mrs Harrison said that that there had been a petition in favour of the currently proposed route but that nobody in Cliffs End had been aware of it. Local people in the village felt that the decision to alter the route had been crazy. The route ought to be diverted to the west of Ebbsfleet Cottage. The barn residents had bought it in order to live there for the rest of their lives. She believed that the owner of Thorne Farm had simply asked for the road to be moved eastwards so that his own property would not be affected. She added that the local residents would be affected healthwise by fumes as a result of heavy lorries driving in the vicinity of the village under a layer of mist (which was a frequent local weather condition).
- (11) The Chairman expressed surprise at Mrs Harrison's views since they did not reflect the written comments of the Parish Council. These had made no observations on the amended proposal but had expressed surprise that the opportunity had not been taken to introduce traffic calming measures on the section of the A259 going the upper part of the village.
- (12) Mrs Green said that the previous phases of East Kent Access had encountered problems with the chalk structure. Pipes had needed to be laid beneath the land before being raised over the top of the chalk layer. She asked whether this would happen on this occasion. Mr Perera (Babtie) said that to date no such problems had been identified, although further details were still awaited.
- (13) Following the initial discussion, Members took the coach along the A256 to the Lord of the Manor Junction. On the way, they noted the area of International Conservation along Pegwell Bay, where birds fed during the winter months. The RAMSAR site and Nature Reserve were also pointed out. They were also shown the 60 houses along the eastern boundary of Cliffs End where one option had been to widen the existing road. This could also have affected the local environmental designations.
- (14) Members were then shown the Lord of the Manor Roundabout, which would be lead to the Cliffs End underpass for both road and rail.
- (15) Members were then taken through northern Cliffs End, which had at one stage been part of the proposed route. Now, it was proposed that the route would go further to the south, through the underpass in the centre of Cliffs End.

- (16) The coach then followed the road alongside the Kent International Airport. The gap between the new road and the existing A299 would be widened as it got nearer Minster Roundabout. The current proposal took the road further to the south, away from the Airport but closer to a number of residential properties.
- (17) Mrs Harrison said that the original plan had been to run the scheme along the A299 all the way to the Lord of the Manor Roundabout and then straight down to Ebbsfleet Lane. There would have been no impact on the houses in northern Cliffs End. She asked Members to note how close the new route passed to the reservoir along the farm track and how close it would come to Beech Grove and Cottington. She also asked Members to note that the southern realignment of the scheme near Minster Roundabout would affect Laundry Road and Wayborough Hill.
- (18) Mr Crossley informed Members that direct access onto the A299 would be prevented from Laundry Road, Wayborough Hill, Ivy Cottage Hill and Thorne Hill.
- (19) Members then travelled down Thorne Hill Road, noting the site of the proposed Sevenscore Roundabout. Mr Crossley explained that the new road (which would run parallel to the housing in Cliffs End) would have bunding to screen it. It would be inappropriate to do this extensively as the landscape was relatively flat.
- (20) Mr Hibberd asked Members to note that houses along the A299 were well shielded from the Airport by trees and shrubbery. The new road would, however, pass much closer to the garden boundaries. He asked whether it would be possible to allow the engineers to build a noise protection embankment. The problem might be the safety requirements of the airport.
- (21) The coach then made its way to Cliffs End Road, stopping at the point where the spur of the new road leading to the Lord of the Manor Junction would be located. Mr Crossley explained that the road would be in a cutting leading into the underpass. Construction of the cutting and underpass would generate material, which could be partly used for the improvements to the Lord of the Manor Junction. Lighting would be needed at this point and in the underpass itself. There would be 2m bunding to shield properties on the north side and a drainage pipeline through to Pegwell Bay. English Nature had expressed concerns about this particular aspect of the proposed development as the laying of the pipeline would disturb the ground and bird feeding area in the SSSI.
- (22) The coach then travelled into Earlsmead Crescent which the new road would run parallel to. From there it went into Beach Grove to see houses that

would be affected by the development, then past St Augustine's Golf Course and St Augustine's Cross, arriving at the point where the new road would cross over the railway at Cottington Bridge. It was noted that the road would be close to the golf club house. Mitigation measures here would include a false cutting with raised ground on top of the embankment alongside the road.

- (23) The next stop was at the level crossing in Foads Hill. Mr Crossley explained that this was on the busy railway line that connected Thanet to Canterbury, which ran pretty well east to west at this point and eventually passed into a deep cutting. It was at this point that the 135m long underpass would be 17m below the railway line. As the road returned to ground level, there would be 10m high lamp columns along the spur road. The development would also require the diversion of Public Footpath TR32 (which ran parallel to the houses along Foads Hill) to enable it to cross the railway line at another point.
- (24) Mrs Harrison asked why the decision had been taken to not build a tunnel under the middle of Cliffs End or else to revert back to the original route to the north, which would be far less inconvenient and ensure that the route would not have to skirt the reservoir.
- (25) Mr Cripps replied to Mrs Harrison by saying that the idea of running the scheme to the north of Cliffs End had been the original intention in the 1990s. The reason for changing the alignment had been firstly that the airport's Instrument Landing Systems required protection zones that would make it impossible to run the route along the present A299. The second reason was that if they built a tunnel to the north, it would be in the path of water that ran away from its source at Lord of the Manor. For these reasons, they had been forced to consider the middle of Cliffs End, where the construction of a tunnel would avoid the need to demolish a number of properties. The other reason that the old scheme had been abandoned was that widening Sandwich Road to the east would have made protection of the Pegwell Bay Nature Reserve extremely problematic. The proposed route represented a compromise between affecting the rural development at Thorne Hill and the built environment at Cliffs End. Also, there would be no impact from the scheme south of the railway until it reached St Augustine's Golf Course.
- (26) Mr Cripps continued that the decision not to build a tunnel under Cliffs End was due to the long term financial liability that would be incurred if it was done. He agreed that a tunnel would be a far better environmental option if cost was not an issue, but that it would make the scheme prohibitively expensive. As it was, there would be some impact on Cliffs End during the construction period but the road scheme itself would have no physical effect.
- (27) In response to a question from Mr Davies, Mr Cripps explained that the Civil Aviation Authority wanted to upgrade the Instrument Landing System to

Category 1 so that it could cater for planes up to 250m from the ground. Failure to achieve this would be untenable for the Airport, which had previously been Category 3 (where planes could land blind). To operate a Category 1 system, the Airport needed 210m clearance from the centre of the runway. Following negotiations, a compromise had been achieved between the needs of road and rail whereby the road scheme along the airport boundary would have a sinuous alignment. Further discussions with Kent International Airport and the Civil Aviation Authority were taking place to see if there was scope for further improvement.

- (28) Mr Fullarton asked whether the Civil Aviation Authority had problems with the scheme because of the lighting it would require. Mr Cripps replied that they had not commented on this point to date. The MoD (who had previously been the responsible authority) had been concerned about lighting and the distance of the road scheme from the boundary. Now that the scheme was realigned, the Civil Aviation Authority was more concerned about the straightness of the route than its distance from the boundary.
- (29) Mr Fuller (Minster PC) said that there was a concern about the access point from Tothill Street in Minster onto the Mount Pleasant Roundabout. Large lorries would be joining and exiting the A299 at this point. This was a matter that would need addressing through good signage.
- (30) Mr Fuller also asked how Cottington Road would be fitted into the scheme as it linked into the proposed Sevenscore Roundabout. It was essential to provide good access both in and out. Mr Cripps replied that planning permission existed for roadside development. This had resulted in modifications to the proposal which now stood as it was shown in the plans. A Stage 1 Safety Audit had been undertaken. Further safety modifications would be undertaken if practicable.
- (31) Mr Cripps went on to say that there would be a link road onto Cottington Road for local access. This was shown on the larger more detailed map. Access would be maintained in both directions. The road to the south (Ebbsfleet Lane) would be closed up.
- (32) The Chairman thanked everyone for attending. The notes of this meeting would be appended to the Head of Planning Applications Group's formal report to the Committee.

Item D3

New two storey teaching block, increased parking provision, replacement and additional playground areas and removal of existing mobile classroom at Reculver C.E. Primary School, Hillborough, Herne Bay – CA/06/364

A report by Head of Planning Applications Unit to Planning Applications Committee on 20 June 2006

Application by Kent County Council Education & Libraries for a two storey teaching block comprising of 4 classrooms, 2 smaller teaching areas, withdrawal room, therapy room, associated toilets and cloakroom areas, increased car parking provision, replacement and additional playground areas and removal of existing mobile classroom accommodation at Reculver C of E Primary School, Hillborough, Herne Bay

Recommendation: Permission be granted subject to conditions.

Local Member(s): John Law & David Hurst

Classification: Unrestricted

Site

1. Reculver C of E Primary School is located to the east of Herne Bay and is within the Reculver ward. The school occupies a rural site on Reculver Lane adjacent to St Mary's Church and overlooks extensive playing fields. Residential properties are located to the west of the school site and a listed Church is located to the east of the school. A plan is attached.

Proposal

2. The application has been submitted by Kent County Council Education and Libraries and proposes a new two storey teaching block comprising of 4 classrooms, 2 smaller teaching areas, withdrawal room, therapy room, associated toilets and cloakroom areas, increased car parking provision, replacement and additional playground areas and removal of existing mobile classroom accommodation.
3. The purpose of this project is to replace the existing mobile accommodation by way of a new extension. Reculver CEPS is reported to be a very inclusive school with some pupils with complex additional needs. The project would include additional general teaching areas, a therapy room and a withdrawal room to support inclusion within the school.
4. Although the overall site is of a significant area, the buildings have been restricted to the north west section with mobile classroom accommodation situated on the playing field side. A privately run nursery also occupies part of the site on the north east side of the main buildings. It is expected that this would be relocated to another site when the current lease expires.
5. It has been proposed to locate the new building as close as possible to existing structures. This limits the options available to the north west or south west areas closest to the existing buildings. The latter option would require constructing the new building entirely on the playing fields. It would also create access problems regarding the subsequent removal of the mobile classrooms. Another disadvantage to this location is that a physical link with the existing accommodation would be almost unachievable and the new structure would end up dislocated from the remaining buildings once the mobile classrooms and nursery are removed.

Item D3

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Item D3

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6. The chosen location would allow the construction of the building partially on the existing playground, restricting the loss of playing fields. Connectivity with the existing accommodation would be much easier to achieve, which would greatly improve the facility in use.
7. The new and replacement playground area would be constructed on the space vacated by the mobile classrooms and would be directly connected to the existing playground space on the south west side of the school. The mobile classrooms would remain in place until the new accommodation has been completed. The new and replacement playground areas would form the first phase of the development to ensure that the school is not deprived of the playground facilities at any time.

Design

8. The new facilities would be provided on two floors of the proposed extension. Although the finished floor level would be lower than the existing to accommodate differing site levels, the two would be connected by a glazed link incorporating ramps to negotiate the change in level. That would allow for full disabled access between the old and new facilities.
9. The north east elevation would be kept relatively plain and closely follows the design of the adjacent existing building. On this elevation, the upper windows would be formed using dormers to match those on the adjacent building facing the side of the site. The south west elevation would have more modelling incorporating gables to provide interest and reduce scale. When the existing nursery building is eventually removed, this elevation would face onto what would possibly become a courtyard.
10. Building materials include red brick, and red clay plain tiles to match some of the existing buildings.

Car Parking and Landscaping

11. The current car parking facilities are far from adequate and, although the school roll would not increase as a result of these proposals, the car park is proposed to be significantly increased in size. That would reduce congestion and improve safety at the start and end of each school day. The existing car park is to be extended and 26 additional bays created including two disabled bays.
12. Access to the school is from a single point on Reculver Lane with the car park leading directly from this in the northern corner of the site. This determines the location of the additional car parking facilities which would take up the current playground space.
13. During construction, consideration would be given to the location of an additional temporary site access. It would be essential to keep construction traffic away from the main school entrance on safety grounds.
14. The site boundaries are generally well developed hedgerows and trees. The development would have no direct impact upon these except, possibly, in the formation of a temporary access. Where existing trees would fall within the proposed new playground

New 2 Storey teaching block, increased parking provision and additional playground areas and removal of mobile classrooms at Reculver C.E. Primary School, Hillborough, Herne Bay – CA/06/364

area, these would be enclosed in soft planting areas to protect the roots.

Planning Policy

15. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) The Adopted 1996 Kent Structure Plan:

Policy S2 – Seeks to conserve and enhance the quality of Kent’s environment.

Policy S9 – Has regard for the need for community facilities and services.

Policy ENV1 – Development in the countryside should seek to maintain or enhance it.

Policy ENV15 – The character, quality and functioning of Kent’s built environment will be conserved and enhanced.

Policy ENV19 – Listed buildings will be preserved and their architectural and historic integrity and the character of their setting will be protected and enhanced.

Policy RS1 – All development permitted at villages and small rural towns should be well designed; appropriate in location, scale, density and appearance to its surroundings.

Policy T17 – Development will normally be required to provide for vehicle parking on-site in accordance with Kent County Council’s Vehicle Parking Standards.

(ii) The Kent & Medway Structure Plan – Deposit Plan September 2003.

Policy SP1 – Seeks to conserve and enhance Kent’s environment and ensuring a sustainable pattern of development.

Policy E1 – Development in the countryside should seek to maintain and enhance it.

Policy QL1 – All development should be well designed and be of high quality.

Policy QL9 – Listed Buildings will be preserved and their architectural and historic integrity and the character of their settings will be protected and enhanced.

Policy QL12 – Existing community services, including schools, and recreation facilities will be protected as long as there is a demonstrable need for them.

Policy TP19 – Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council

New 2 Storey teaching block, increased parking provision and additional playground areas and removal of mobile classrooms at Reculver C.E. Primary School, Hillborough, Herne Bay – CA/06/364

and Medway Council.

(iii) Canterbury District Local Plan, November 1998:

Policy D1 – The City Council will permit development of a high standard.

Policy D9 – The City Council will safeguard the character, appearance and setting of buildings which are listed as being of special architectural or historic interest.

Policy D62 – New development will be required to provide parking for vehicles in accordance with KCC's Vehicle Parking Standards.

(iv) Canterbury District Local Plan, Deposit 2002:

Policy BE1 – The City Council will permit proposals of high quality design.

Policy BE5 – The City Council will have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic features it possesses.

Policy C10 – Proposals for new buildings or uses for the local community will be encouraged and granted planning permission on the basis that any new building is appropriately designed and located and that highway safety would not be prejudiced.

Policy C15 – The City Council will work with primary and secondary education providers to ensure their needs are taken into account in the assessment of their development proposals.

Consultations

16. **Canterbury City Council:** No objection raised.

Herne Bay Divisional Office: No Comments received to date.

Whitstable Area Office: No comments received to date.

Sport England: states that as the new teaching block would be constructed along the replacement and additional hard play areas the developments would have no adverse effects on the existing playing fields. Subsequently, Sport England does not wish to raise an objection to the proposed development.

Environment Agency: has no objection to the proposal but requests that conditions requesting the submission of a scheme for the disposal of foul sewerage and surface waters be submitted for approval by the County Planning Authority. Other conditions requested include drainage of surface water on hard surfaces and parking areas and the discovery of contaminated land and subsequent actions for the applicant.

English Heritage: No comments received to date.

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The Divisional Transport Manager: is satisfied that the School is addressing a current shortfall in off street parking provision and is happy that the existing site access can accommodate the additional traffic movements associated with the extension to the car park and as such would not wish to recommend the application for refusal on highway grounds and raises no objection to the proposal.

Conservation Officer: raises no objections to the proposal.

Biodiversity Officer: offers the following advice:

Breeding Birds

Trees and built structures would be removed to carry out this development; therefore some precautions must be taken for nesting birds. No disturbance to birds should be carried out during the nesting season (March to August), as all birds and their nests and eggs are protected under the Wildlife and Countryside Act (1981). Mitigation measures should be included in the development plans and implemented during construction in order to protect breeding birds that may use the structures, or any vegetation, that will be removed, if it falls in the breeding season mentioned above. That includes examination by experienced ecologists prior to starting work and if any nesting birds are found during work development must cease until after the juveniles have fledged. This can be avoided by carrying out any work that affects possible nesting sites outside of the breeding season. There should also be restrictions on work carried out within 30m of unaffected trees, which contain birds nests.

Bats

I would agree that there is no need for a DEFRA development licence to carry out the proposed works, as there is low potential for bats to use the buildings. If during the development any bats or signs of bats are detected work must stop immediately and a licensed bat worker consulted. In this situation a Defra Licence may be needed to continue the works. The contractors must be made aware of these precautionary measures and, if they have not already, I suggest they consult *Bats, Development and Planning* by The Bat Conservation Trust or English Nature's *Bat Mitigation Guidelines* which will equip them with basic knowledge about bats and their signs. This information should be included as an informative on the planning decision.

General

Plans for habitat and biodiversity enhancement should also be included in this proposal. The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. I suggest the applicants are asked to include measures to enhance biodiversity as a condition of planning permission. For example, the inclusion of bat bricks in the new buildings, bird and bat boxes in the surrounding site and refugia for herpetofauna could all be included in order to help promote biodiversity alongside development.

Local Member

Item D3

New 2 Storey teaching block, increased parking provision and additional playground areas and removal of mobile classrooms at Reculver C.E. Primary School, Hillborough, Herne Bay – CA/06/364

17. The local County Member(s), John Law and David Hurst were notified of the application on the 15 March 2006.

Publicity

18. The application was publicised by an advertisement in the local paper, the posting of a site notice and the individual notification of 21 neighbouring properties.

Representations

19. I have received one letter of representation from a local resident. The main comments/points of concern and objection include the following:

- The junction between Sweechbridge Road, Reculver Place and Beltinge Road cannot sustain the heavy volume of traffic at the moment and to develop and extend the school would create further problems with a detrimental outcome to the area.
- The development would worsen the heavy volumes of traffic already experienced. The road to and from school is not adequate to cope with levels of traffic experienced and has been made worse by the new housing in the area.
- Parents park on double yellow lines outside the school and in front of neighbouring properties, blocking access.
- Those waiting for the buses wait in neighbouring properties driveways.
- The proposed additional parking would not take away the congestion of traffic.
- Level of traffic highlights a severe health and safety issue.
- Suggested road improvements, including diversions to improve congestion issues in the area.

Discussion

20. The application needs to be determined with regard to the relevant Development Plan Policies and in the light of other material planning considerations, including relevant planning objections raised by the consultees, set against the need for the proposed development.

Policies

21. The key policies for consideration regarding the proposed development are S2 (environment), S9 (community), RS1 (Rural areas) and T17 (Transport). The principle of the development accords with Policy S9 and the detailed layout and the design is such that the overall impact on the wider landscape and environment is minimised and is generally acceptable.

22. Overall, I consider that the proposed development is, in general accordance with the relevant Development Plan Policies and I see no overriding objection on planning policy grounds. In particular, the proposed development, in the main, would be erected over an existing hard-standing area adjacent to existing buildings and would not encroach greatly into open space.

Traffic and Parking

23. There has been concern raised with regard to the traffic problems within the area,

New 2 Storey teaching block, increased parking provision and additional playground areas and removal of mobile classrooms at Reculver C.E. Primary School, Hillborough, Herne Bay – CA/06/364

particularly between Sweechbridge Road, Reculver Place and Beltinge Road. There is recognition that concerns regarding congestion around the school site at the start and end of the school day is a legitimate one. The applicant has stated that their proposals intend to increase the size of the current on site car park, which should help relieve the amount of traffic parking on the highway outside the school. The proposals do not affect the overall numbers of staff and pupils attending the site and therefore would not result in any increased traffic once the new classrooms have been completed. These would simply be occupied by pupils currently housed in the mobile classrooms, which would be removed at the end of the construction period. I would therefore consider that the congestion problem, although a recognised problem, would be improved following the implementation of these proposals.

24. The Divisional Transport Manager has confirmed that given that the School is addressing a current shortfall in off street parking and that the existing site access can accommodate the additional traffic movements, he is satisfied that the proposal does not prejudice transport policy and raises no objection to the proposal. I consider that the details relating to the potential 'construction access' should be submitted prior to works being carried out in order that the potential impacts on the highway from construction vehicles can be fully assessed and could be placed on any planning decision should Members be minded to permit.
25. The suggestions made by neighbours of the school for road improvements have been forwarded to Kent Highway Services for consideration but cannot be considered as part of this application as the proposals do not involve an increase in staff or pupil numbers and would not ultimately affect the amount of traffic experienced in the area.
26. The concerns raised by objectors regarding parents parking in front of the access to private properties or passengers waiting for buses are a school management issue and cannot be dealt with as part of this application, instead should be addressed by the School.

Biodiversity

27. Following the suggestions made by the Biodiversity Officer, the applicant has confirmed that it is their intention to commence work on site at the beginning of September 2006. Consequently, this should not affect the nesting season of any breeding birds in the locality. The applicant has stated that there are a few trees that would be affected by the construction works. With regards to bats, the applicant has confirmed that the contractor would be made aware of their responsibility to identify any potential problems during the construction work.
28. I consider that the protection and replacement of trees on site could be conditioned should Members be minded to permit. This would include the condition for the submission of a full landscaping scheme prior to commencement of operations. An informative would also be included on the decision requesting that contractors are briefed on the importance of roosting bats. It should be noted that the applicant has already submitted a full Protected Species Assessment, which identified the low potential for bats to use the buildings.
29. The suggestions for biodiversity enhancement have been considered by the applicant, who has confirmed that the School is extremely interested in undertaking some work of

New 2 Storey teaching block, increased parking provision and additional playground areas and removal of mobile classrooms at Reculver C.E. Primary School, Hillborough, Herne Bay – CA/06/364

their own in respect of creating habitats and refuges for local wildlife. I consider that an informative reminding the applicant of the importance of biodiversity could be attached to any planning decision.

30. As no objections have been raised by the Biodiversity Officer, I consider that the suggestions raised could be dealt with by planning condition.

Other

31. The proposed development is near to a Listed Church, and English Heritage has been consulted, although no comments have yet been received. The County Conservation Officer has raised no objection to the proposal. I would not consider the proposed extension to have a detrimental impact on the setting of this Church and feel that the design of the new build is in keeping with the character of the area and rural setting. A condition requesting the submission of all external materials, including the reconsideration of the use of upvc windows, would be included on the planning consent. I would consider that the replacement of temporary accommodation with permanent structure to be an improvement to the character and appearance of the School site.

Conclusion

32. The application has to be considered in the context of the Development Plan in relation to the location of the proposed development set against the impacts of the proposal and the need for it. A number of concerns have been raised regarding the impacts of the development on traffic congestion in the area. I acknowledge that traffic congestion is a concern for locals residents, however, I consider that the proposals for additional car parking on the school site would help to improve the traffic problems on the local roads, also I am satisfied that the applicant has addressed the current shortfall in off-street parking provision within the proposals. Given that the proposed development would not result in an increase in staff and pupil numbers, I do not consider there to be an overriding objection on highway grounds. I consider the replacement of temporary accommodation with a permanent structure would benefit and improve the visual appearance of the area. I therefore consider the development to be acceptable and I recommend accordingly.

Recommendation

33. I RECOMMEND that PERMISSION BE GRANTED, SUBJECT TO conditions including the standard time condition, the submission of details of all external materials, the submission of a landscaping scheme, including tree protection measures during construction, details of windows, details of the temporary construction access to be submitted prior to commencement of operations, the submission of a scheme for the disposal of foul and surface waters, the need for any surface waters on hard standings to be passed through appropriate pollution prevention measures and the identification of contaminated land shall also be conditioned.
34. I FURTHER RECOMMEND that the applicant be advised of the benefits of biodiversity and enhancement, and that the contractors be advised on the potential for roosting bats.

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New 2 Storey teaching block, increased parking provision and additional playground areas and removal of mobile classrooms at Reculver C.E. Primary School, Hillborough, Herne Bay – CA/06/364

Case officer – Helena Woodcock

01622 221063

Background documents - See section heading

Item D4**Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469**

A report by Head of Planning Applications Unit to Planning Applications Committee on 20 June 2006

CA/06/469 – Application by Herne Bay Infant School Governors and KCC Children Families and Education for erection of a single storey nursery building to the rear of the existing school building – Herne Bay Infant School, Stanley Road, Herne Bay.

Recommendation: Permission to be refused.

Local Member: Mr D Hirst and Mr J Law

Unrestricted

Site

1. The Herne Bay Infant School is located at the edge of town centre and is bounded by Kings Road, Stanley Road, Arkley Road. The Infant School shares the site together with the Herne Bay Junior School to the east. The campus is surrounded by residential area with a predominance of Victorian terraces. The application site lies to the south of the new Foundation Stage building and to the west of Junior School's playing field. The Infant School's vehicular access is off Stanley Road, with pedestrian access to the south via Arkley Road. The site is within a conservation area. A site plan is attached.

Background

2. In July 2003 planning permission was granted for erection of a single storey building on the Arkley Road site to provide a Foundation Stage building (Ref. CA/03/784). The 4 new classrooms and associated facilities, opened in 2004, allowed for the replacement of a number of mobile classrooms. Kent Highways recommended the application for approval, subject to condition that there would be no increase in the number of staff or pupils as a result of the development. It was noted that vehicular access off Arkley Road is to be restricted to maintenance and emergency vehicles only. The Arkley Road gate is used as pedestrian access only to enter and exit the Foundation Stage building (Photo 1).
3. The School took the initiative to produce a School Travel Plan which stresses the most important issues:

“The biggest issues are associated with pedestrian and traffic congestion along Stanley Road, Arkley Road and Kings Road. There is a general lack of space on the school site (...). A lot of parents wait outside the school gates causing blockages on the pavements around the school. The consequence of this is that parents resort to walking in the road with their children, particularly those with pushchairs or prams. (...) Being situated in a residential area where the predominance of housing is Victorian terraces means that on street parking around the school locally is very limited, as most residents don't have the luxury of a driveway. Parents who bring their children in cars often ignore road markings. This means that they park on double yellow lines and 'keep clear' zigzag lines (...). Lack of on road parking means that parents park on road junctions and corners or stop in the middle of the road, letting their children disembark independently”.

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Single storey nursery building to the rear of the existing school building– Herne Bay Infant School, CA/06/469

Proposal

4. The application proposes a single storey pre-school nursery building with all required facilities to provide places for 26 children between the ages of 3 and 5 years old. The nursery would provide one morning session and one afternoon session, each lasting up to 2.5 hours. The building would be located to the south of the School's Foundation Stage building, close to the Arkley Road entrance. The building, together with the proposed external playing area, would extend onto the adjacent playing field of Herne Bay Junior School. Access to the nursery, pedestrian only, would be from Arkley Road. No parking for parents would be allowed within the school grounds and there would be no facility for a vehicle drop off/pick up point.



Photo 1 Pedestrian access from Arkley Road

Planning Policy Context

5. The Development Plan Policies summarised below are relevant to consideration of the application.

The adopted 1996 **Kent Structure Plan**:

- | | |
|-----------|--|
| Policy S1 | Local Planning Authorities will seek to achieve a sustainable pattern of development, which will minimise pollution. |
| Policy S2 | The quality of Kent's environment will be conserved and enhanced. |
| Policy S9 | Has regard for the need for community facilities and services. |

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- Policy ENV15 The character, quality and functioning of Kent's built environment will be conserved or enhanced. Development should be well designed to respect its setting.
- Policy ENV17 Development within conservation areas should preserve and enhance the character of the conservation area.
- Policy ENV18 In the control development, important archaeological sites will be protected. Preservation in situ of archaeological remains will normally be sought.
- T17 Development will normally be required to provide for vehicle parking on site in accordance with KCC's Vehicle Parking Standards.
- T18 Development, which generates significant increase in traffic, will normally be refused if it is not well related to the primary and secondary route network.

The September 2003 deposit draft of the **Kent & Medway Structure Plan:**

- Policy SP1 Seek to protect and enhance the environment and achieve a sustainable patterns and form of development.
- Policy QL1 Development should be well designed and respect its setting.
- Policy QL7 Development within conservation areas should preserve and enhance the character of the conservation area. Any development that would harm the character of a conservation area will not be permitted.
- QL8 Seeks to protect and enhance the archaeological and historic integrity of important archaeological site and requires archaeological assessment and/or field evaluation of potentially important sites along with preservation of remains or by record.
- Policy QL12 Seeks to protect existing community services. Seeks to make provision for the development of local services in existing residential areas and in town centres, particularly where services are deficient.
- TP2 Development sites should be well served by public transport, walking and cycling, or will be made so as a result of the development.

The adopted 1998 **Canterbury Local Plan:**

- Policy D1 Development should be well designed and respect its setting.
- Policy D29/30 Development and archaeology.
- Policy D39 Seeks to only permit proposals which result in the loss, in whole or in part, of playing fields if there is an overriding need for the development which outweighs the loss of the playing fields.
- Policy D62 New development will be required to provide parking for vehicles in accordance with Kent Vehicle Parking Standards.

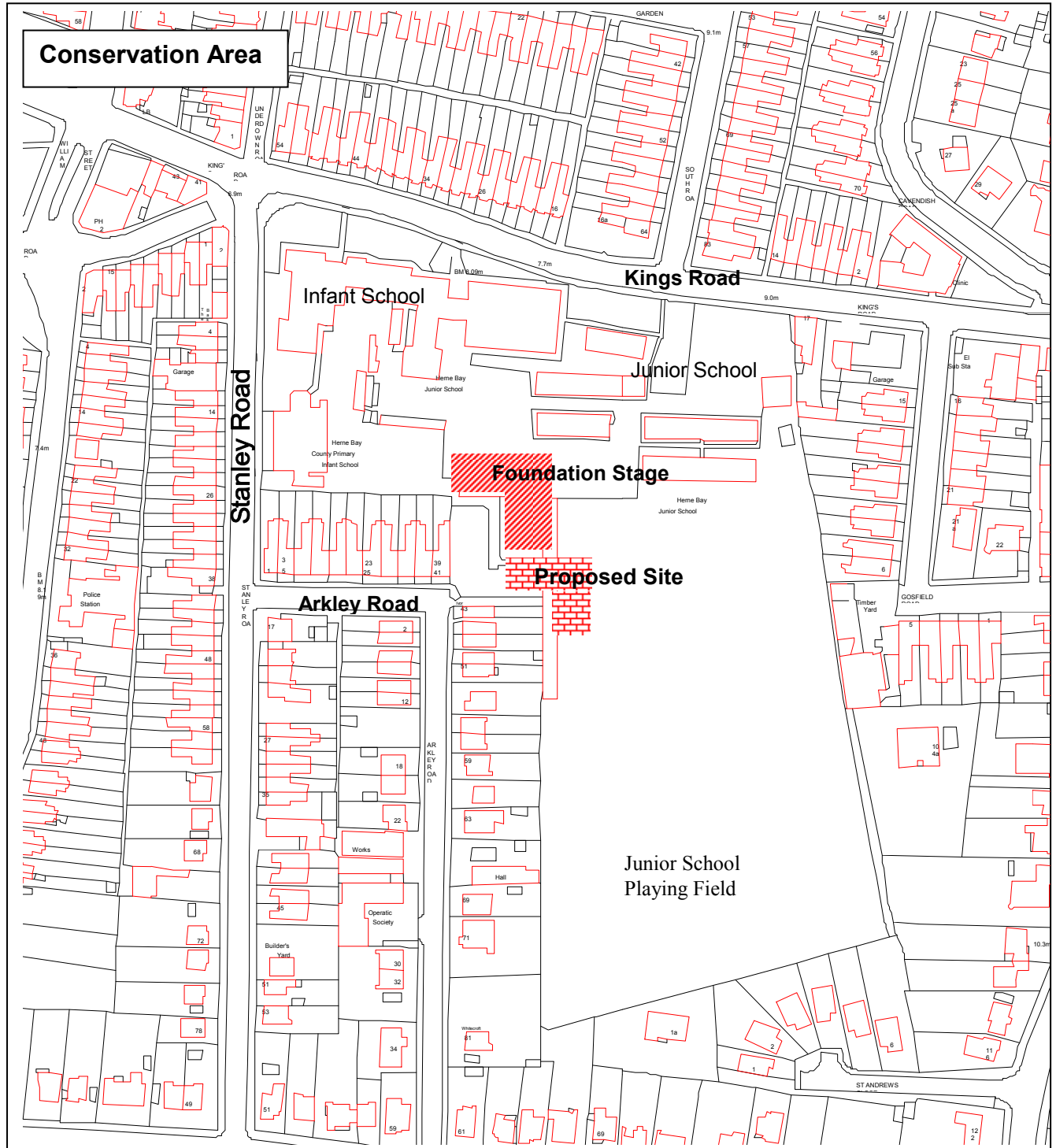
The 2002 deposit **Canterbury Local Plan:**

- BE1 Development should be well designed and respect its setting.
- Policy 15/16 Development and archaeology.
- Policy C8 Seeks to apply Kent Vehicle Parking Standards to development proposals.
- Policy C10 Seeks to grant planning permission for new buildings or uses for local communities providing that any building is appropriately designed and

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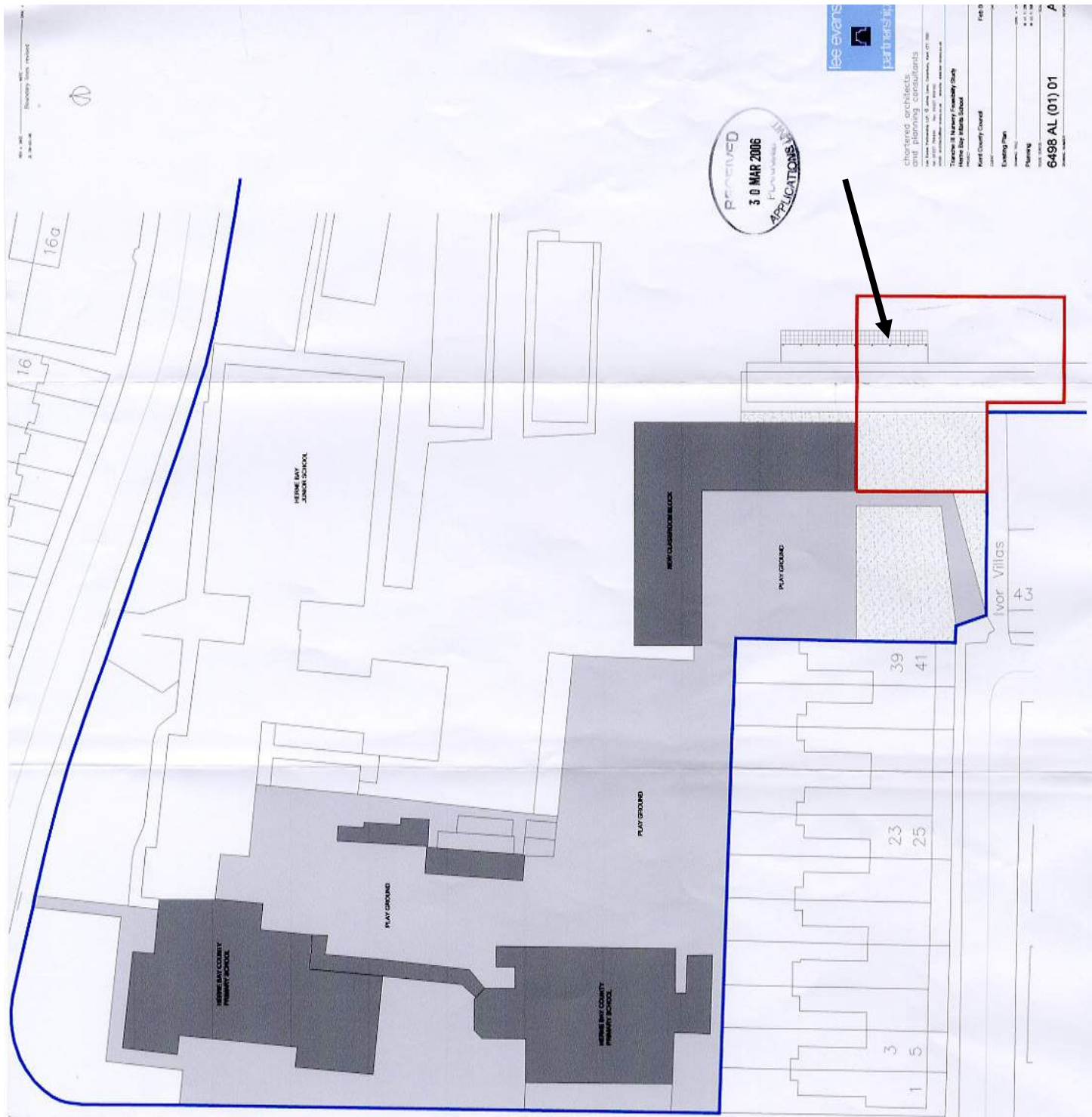
SITE PLAN



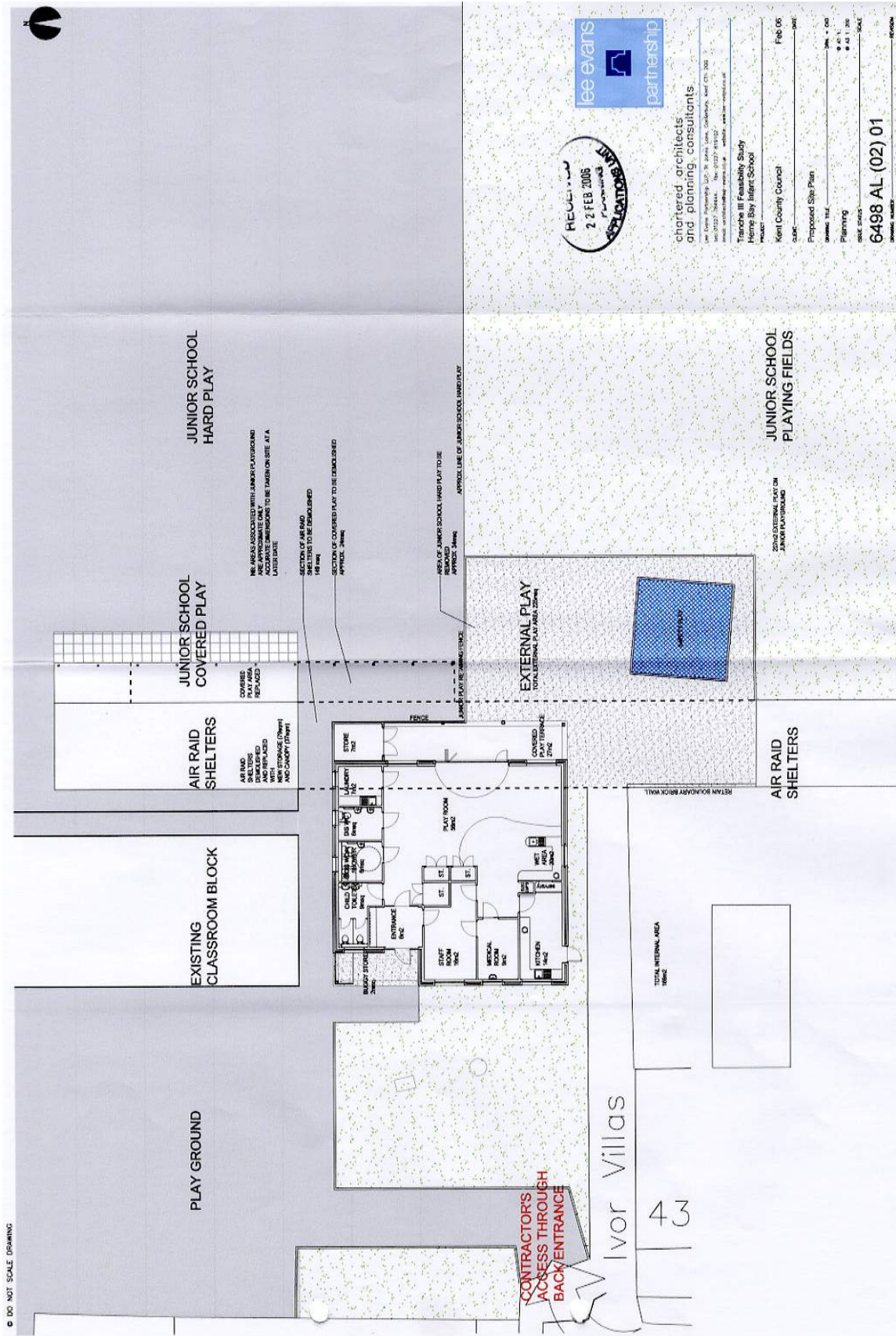
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lee evans partnership

REVISED
22 FEB 2006
APPLICATION

chartered architects
and planning consultants

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Project: Trencher Hill Feasibility Study
Herne Bay Infant School

Client: Kent County Council

Date: Feb 05

Proposed Site Plan

Scale: 1:500
Date: 22 Feb 06

Site No: 6498 AL (02) 01

Drawing No: 6498 AL (02) 01

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- located, and highway safety would not be prejudiced.
- Policy C20 Seeks to protect existing open spaces.
- Policy C21 Seeks to protect playing fields.

Consultations

Canterbury Council – raises no objection to the proposal.

Divisional Transport Manager – raises an object on the grounds of highway safety. The roads surrounding the site are already experiencing traffic related problems during peak times and further vehicles generated in connection with the nursery are likely to result in double parking and the interruption of the free flow of traffic. It is critical in school areas to keep traffic disruption to the minimum possible in the interest of the safety of children attending the school.

Environment Agency – raises no objection, but would suggests to impose a condition that if contamination is discovered

County Archaeologist – raises no objection subject to condition requiring the implementation of a watching brief to be undertaken by an archaeologist, so that the excavation is observed and the finds recorded.

Conservation Officer – raises no objection.

Sport England – raises no objection

Local Members

6. The Local Members Mr David Hirst and Mr John Law were notified of the application on 31 March 2006. No comments have been received to date.

Publicity

7. The application has been publicised by way of a site notice, an advertisement in the local newspaper and the notification of 37 neighbouring properties. No representations have been received to date.

Discussion

8. The proposal is for additional building at Herne Bay Infant School to accommodate 26 pupils in the morning session and further 26 pupils during an afternoon session. The facility would potentially employ one additional member of staff.
9. The school capacity is 360 pupils, and it reached a peak 4-5 years ago, but has since been declining. Currently, the school has 330 pupils attending the site, and 47 staff. The additional 26 children accommodated within the nursery would bring the school back up to capacity numbers. The fall in the school numbers is not predicted to continue further, but will level out. The applicant states that the impact of the nursery would be no more than returning the school up to its earlier capacity. On the other hand, with a change of circumstances, there is nothing to prevent, the school again increasing its numbers to its full capacity of 360 pupils. Nevertheless, Divisional Transport Manager argues that having a separate nursery on the school site would significantly contribute to an increase in traffic-related problems. It is necessary to consider the development in the context of the Development Plan Policies outlined in paragraph (5), especially transport

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policy T17 and T18 of the Structure Plan. Policies that discuss the effects of the development in terms of its location and the effect on the local environment and amenity are also important.

Need for proposal.

10. The coastal area of Kent suffers one of the highest levels of social deprivation, lacking children's facilities. The selection of Herne Bay Infant School as a site for one of the County's Nurseries is on the basis of greatest educational need and to provide support for local parents. Even though the campus of the Infant School would be limited in extent, the area would greatly benefit from this facility. As recognised by the applicant, the implication of not being able to provide nursery places would have a direct impact on the community in social and educational terms. On the other hand, the needs of the community have to be balanced with other factors, such as parking provision while "*...the development should not be permitted unless the infrastructure, which is directly required to service the development, can be made available...*" (Structure Plan, S9). Further, considering the needs of the community, the safety of the environment and the amenity of residents needs to be protected (Deposit Structure Plan, QL1).
11. The fact that the school is sited within urban area and on the edge of the town centre indicates that much of the population live within easy walking distance of the school. It is argued by the applicant that the proposed nursery would represent a form of sustainable development.

Traffic movements, car parking and pedestrians

12. Given that no provision is made for a drop off/pick up point at the site and the number of nursery places being provided, the proposal is most likely to result in additional traffic generation. As a result of the proposal, parents would have to park on the street either on Arkley Road or Stanley Road, with a greater impact on the limited space available. As far as pedestrians are concerned, there is already a serious problem with the crowds of parents waiting in front of the school gates. They often encroach on the highway, as there is no space available at the school grounds to allow parents to enter. The Transport Manager is greatly concerned over the high probability that the Nursery would generate unacceptable additional demand for parking and waiting on the highway. The main point is that the development would have negative consequences to children's safety and the highway situation around the school site.
13. With regard to parents dropping off/picking up children, the applicant admits that the School does not have sufficient parking space on the school site, nor near it, to operate a traffic circulatory system. Even though it is argued that most children would be drawn from families that already have their siblings in the school, it is not possible to control these issues at the proposed nursery. Therefore, it cannot be said that the Nursery would not generate much additional traffic.
14. In terms of existing staff, the applicant has drawn attention to the fact, that as a result of the decline in school numbers there are currently surplus staff. Hence, only one new person would be required. After transferring the surplus staff to the new nursery, these posts would not be replaced within the existing infant faculty.

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Thus, the applicant argues that no additional parking spaces would be required. On the other hand, considering that the nursery capacity would be 26 pupils, and that standards require one staff member for every 4 children a need for 5 new staff is also possible. In the view of transport adviser, this number of additional staff cannot be accommodated within the existing school car park. I would also note, that the previous application (2003) for a Foundation Block contained a statement, that no new staff were needed as a result of this development. However, since then, 4 new teachers have been employed. In principle, the proposal is not in keeping with the objectives of the Structure Plan Policy T17 and T18 that recommends refusing applications for development, which would generate a significant increase in traffic. Further, Deposit Structure Plan Policies TP2 and TP19, Canterbury Local Plan Policies D1 and D62 and Draft Canterbury Local Plan Policy C8 should apply.

Hours of use

15. The Nursery is proposed to be open during normal school hours. As the development is likely to generate additional traffic, it has been considered, whether staggering the start and finish times for the proposed nursery could reduce some of the impact of the development on the existing traffic problems. However, it has also been agreed that it is difficult to stop parents who have older siblings in the infant school, from parking or waiting (on foot) for extended periods of time in front of the school gates while waiting for later sessions.

School Travel Plan

16. The final factor to consider is the adopted School Travel Plan. It is appreciated that the school takes the initiative to promote walking to school and the scheme is there to alleviate the existing problems. It is believed this will contribute to a reduced volume of car traffic around the site. Nonetheless, children aged between 3-5, brought to school for 2.5 hours, are the least likely to benefit from the School Travel Plan. They are least likely to be walked or use public transport and are most likely to be driven to school.

Design, Conservation Area and Archaeological Site

17. The proposed accommodation adopts the general design brief prepared by Kent County Council, and takes the form of a single-storey block to provide main play-room area, kitchen, toilets, an office and other ancillary facilities to cater for the children. Covered play facilities and external storage would also be provided. The proposed materials take on a traditional brick construction and a pitched metal deck roof, all chosen to match the Foundation Block. The height and massing of the proposal reflects the school building and the surrounding properties. I consider that the overall effect of the design is appropriate to the setting. The development would not have an undue impact on the nearby environment in visual terms.
18. Further, the building would extend to the existing playing field of the adjacent Junior School and would involve the demolition of a part of an existing air raid shelter, which borders the Infant School land. Subject to condition asking for a watching brief in order to record any items of archaeological interest there is no objection to that element. Lastly, the proposed nursery building would slightly encroach onto playing field land. However, this encroachment would not

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adversely affect the use of the playing field therefore there is no objections to the development on this ground. As such the development accords with the Structure Plan Policies ENV15 and ENV17, ENV18, Deposit Structure Plan Policies SP1, QL1, QL7 and QL8, Canterbury Local Plan Policy D1, D29/30 and D39; and Draft Canterbury Plan Policy BE1, C10, C20 and C21.

Conclusion

19. Whilst I see no objection to the proposal in terms of design and its physical impacts, including archaeology and playing fields aspects, the proposal raises serious highway concerns. In particular, the roads surrounding the proposed site are already experiencing serious traffic related problems during peak hours. The site is not capable to safely accommodate 26 new pupils in the morning session and further 26 in the afternoon session. Encouraging more traffic movements near the site would further interrupt the free flow of traffic and undermine the purpose of the walking bus and the Travel Plan already in place. Whilst it is acknowledged that there is a need for Nursery facilities in this area, it is critical in school areas to keep traffic disruption to the minimum possible in the interests of highway safety and the safety of children attending the school. To permit development on this site would make the situation unacceptable according to the Divisional Transport Manager.

Recommendation

20. Subject to any further views received by the Committee Meeting, I recommend that PLANNING PERMISSION BE REFUSED on the following grounds:

- (1). The surrounding highways do not have the capacity to absorb additional on street parking or traffic movement that would be associated with the proposal;
- (2). The proposed development would have an unacceptable impact on the highway safety and the children attending the school;
- (3). The proposal would undermine the purpose of the walking bus and travel plans already in place;

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| Case Officer: The case officer | Anna Michalska-Dober | 01622 696979 |
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| Background Documents - see section heading (or specify particular documents)* |
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