

PLANNING APPLICATIONS COMMITTEE

Wednesday, 11th September, 2019

10.00 am

Sessions House





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 11th September, 2019, at 10.00 am
Sessions House

Ask for: **Andrew Tait**
Telephone: **03000 416749**

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

Membership (13)

Conservative (10): Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman),
Mrs R Binks, Mr A Booth, Mr P C Cooper, Mr M D Payne,
Mr H Rayner, Mr C Simkins, Mrs P A V Stockell and Mr J Wright

Liberal Democrat (1): Mr I S Chittenden

Labour (1) Mr J Burden

Independents (1) Mr P M Harman

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 10 July 2019 (Pages 7 - 14)
4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/02/2663/MR97/R (KCC/TM/0017/2019) - Details of Interim Restoration (Conditions 2b and 22), Working, Restoration and Aftercare Scheme for the area marked in yellow on Drawing P1/1782/2 (Condition 8), a Woodland Management Scheme (Condition 24), Aftercare Scheme (Condition 27) and an Archaeological Watching Brief (Condition 30) pursuant to Permission TM/02/2663/MR97 which allows for clay and sand extraction from the quarry at Park Farm Quarry, Platt Industrial Estate, Maidstone Road, Platt; Echoraise Ltd (trading as J Connolly and Sons Ltd) (Pages 15 - 46)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal CA/19/1046 (KCC/CA/0108/2019) - Installation of new public canoe/kayak pontoon, six timber changing cubicles, upgrading of existing fishing swims/platforms and upgrading of existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreux; KCC Country Parks (Pages 47 - 64)
2. Proposal MA/18/502882 (KCC/MA/0084/2018) - Creation of a 3G artificial turf pitch (ATP) with fencing, floodlighting and associated features at Maidstone Grammar School, Barton Road, Maidstone; Governors of Maidstone Grammar School (Pages 65 - 112)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 113 - 120)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

F. KCC RESPONSE TO CONSULTATIONS

1. Application Y19/0257/FH - Outline application with all matters reserved at Otterpool Park Development, Ashford Road, Sellindge (Pages 123 - 230)
2. Innovation Park Medway, Rochester (Pages 231 - 236)
3. Marden Neighbourhood Plan - Regulation 16 (Pages 237 - 242)

G. 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)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 3 September 2019

(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.)

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KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber - Sessions House on Wednesday, 10 July 2019.

PRESENT: Mr R A Marsh (Chairman), Mrs R Binks, Mr J Burden, Mr P C Cooper, Mr S J G Koowaree (Substitute for Mr I S Chittenden), Mr M D Payne, Mr C Simkins and Mr J Wright

ALSO PRESENT: Mr A H T Bowles

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mrs A Hopkins (Principal Planning Officer), Mr P Hopkins (Principal Planning Officer), Mr C Finch (Senior Projects Officer - CAIP East Kent), Ms V Hubert (Strategic Transport and Development Planner), Ms M Green (Principal Planning Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

30. Minutes - 12 June 2019

(Item A3)

RESOLVED that the Minutes of the meeting held on 12 June 2019 are correctly recorded and that they be signed by the Chairman.

31. Application SW/18/502827 (KCC/SW/0090/2018) - Redevelopment of existing waste management facility and inclusion of additional land into a waste management use (part retrospective) at Site D, Oare Creek, Faversham; East Kent Recycling

(Item C1)

(1) Mr A H T Bowles was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(2) Correspondence from Helen Whately, MP and Mr Julian Saunders (Faversham TC) had previously been circulated to the Committee.

(3) The Head of Planning Applications Group informed the Committee of representations made by the Local Member, Mr A Hook, Mr P Vaight, Mr R Morrison (UPROARE), Elizabeth Heister and Mr and Mrs Hutchinson.

(4) The Head of Planning Applications Group asked the Committee to note that the second "waste types" condition should read "the quantity of green waste received to not exceed 40 tonnes per week."

(5) Ms Janet Hill (Chair of Oare PC), Mr Julian Saunders (Faversham TC), Mr Robert Morrison (UPROARE), Mr Paul Vaight and Mr Ben Martin (Local Borough

Councillor) addressed the Committee in objection to the application. Mr Matt Mehegan (Watermans) spoke in reply on behalf of the applicants.

(6) The Committee agreed to include a requirement for the site operator to maintain records of the quantity of waste handled at the site and to make them available to the Waste Planning Authority upon request and in an annual summary. It also agreed that the submitted noise monitoring scheme would be permanent rather than temporary.

(7) The Committee added an Informative that the applicants should explore the potential for the installation of additional pedestrian refuge points and/or for lengthening them.

(8) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried as amended by 5 votes to 2.

(9) RESOLVED that:-

- (a) the Appropriate Assessment made under The Conservation of Habitats and Species Regulations (2017) be endorsed as appended to the report and that permission be granted to the application subject to conditions, including conditions covering the development being carried out in accordance with the submitted documentation and plans, including flood mitigation measures; the development being carried out in accordance with the proposed site layout; overall throughput being restricted to a maximum of 45,000 tpa, with no more than 1,000 tonnes held on site at any one time; precautions to prevent unauthorised tipping; entrance gates being closed outside of permitted operational hours; a copy of the permission being made available on site; the withdrawal of permitted development rights; the site operator maintaining records of the quantity of waste handled at the site and making them available to the Waste Planning Authority upon request and in an annual summary; the maximum number of HGV movements being restricted to 80 per day (40 In / 40 Out); records of all HGV movements being maintained by the site operator; monitoring reports of HGV movements associated with all operations at the site being submitted to the Waste Planning Authority each month; HGVs being routed along the Western Link Road and the A2 corridor, unless delivering / collecting within the Faversham area; measures being taken to ensure that vehicles connected with the use do not deposit mud or other materials on the public highway; all loaded HGVs entering or leaving the site being enclosed, covered or sheeted; the site access road being maintained and kept free of potholes, mud and other debris; the provision of secure covered cycle parking facilities; the provision of car parking as proposed; final details of the proposed pedestrian refuges and other improvements along the access road being submitted for approval and completed as approved; the core operating hours being 0700 to 1800 on Mondays to Fridays, 0700 to 1300 on Saturdays with no operations on Sundays and Bank holidays; additional hours for vehicle movements only being 1800 to 2000 on Mondays to Fridays and 1300 to 1800 on Saturdays; the hours for receipt of Waste Collection / Disposal Authority Waste

(including that contracted to third parties) being 0700 to 1800 on Bank Holidays, 1300 to 1700 hours on Saturday afternoons prior to and following Bank holidays and 0700 to 1800 hours on Boxing Day (with prior written agreement); the Noise mitigation measures set out within the application; the Materials Recycling Facility being run off mains electricity; no additional plant or equipment to be operated on site without prior permission / approval; the use of broadband reversing alarms for site-based HGVs, plant and equipment; employment of Best Practicable Means (BPM) to minimise noise, including the fitting of all vehicles, plant and machinery with closed engine covers and effective silencers which are to be effectively maintained; plant, equipment and vehicles only working from ground level and not operating on stockpiles or stored materials; the submission of a noise monitoring scheme, including the provision of additional mitigation measures where required and its regular monitoring, which is only to be discontinued once the Waste Planning Authority is satisfied that noise emissions accord with the levels calculated in the Noise Assessment; noise limits being a maximum of 5dB above background levels at noise sensitive properties; dust mitigation measures as set out in the application; the submission for approval of details of means of enclosure and the fixed dust suppression system proposed for the north-east corner of the site; unsegregated (mixed) waste, except for Construction, Demolition and Excavation category waste, only being received within the waste reception building(s); the height of stored materials, bales and skips not exceeding 4m; waste types being restricted to those applied for; municipal waste being restricted to wood and green waste only; no food waste, 'black bag' waste or other putrescible waste streams being accepted except for material received in contaminant quantities as part of a mixed skip load; any contaminant quantities of putrescible waste received being removed to an authorised facility within 48 hours; the quantity of green waste received not exceeding 40 tonnes per week; the delivery of the green waste mitigation measures proposed in the application; the surface and groundwater pollution mitigation measures included in the application; the submission of a remediation strategy to deal with the risks associated with contamination of the site; the measures to be taken if unidentified contamination is found to be present; no infiltration of surface water drainage into the ground occurring without the written consent of the planning authority; all foul drainage being connected to mains drainage or sealed cesspool; details of piling or any other foundation designs using penetrative methods being submitted for approval; the concrete pad and integrated surface water drainage system being extended to include the entire yard area; the proposed flood mitigation measures being delivered and maintained; the submission for approval of a landscape management and enhancement scheme in accordance with the principles set out within landscape drawing received, including planting and maintenance arrangements; the protection and retention of existing and proposed vegetation; the buildings being clad as proposed in moorland green; a precautionary mitigation approach to vegetation clearance; use of the buildings being restricted to waste use; details of a full lighting scheme for the site being submitted for approval; external lighting (except for

low-level security lighting) not being used outside of the proposed hours of use; the submission for approval of a Construction Environmental Management Plan; no piling taking place during construction; and construction operations taking place between 0800 and 1800 hours on Mondays to Fridays and 0900 to 1300 hours on Saturdays;

- (b) the Head of Planning Applications Group be granted delegated powers to determine submissions made pursuant to the conditions imposed on the planning permission, including where there are relevant technical objections. *For the avoidance of doubt, any material changes to the nature of the development hereby permitted or the above conditions will require a further planning application (either full or a variation of condition pursuant to section 73 of the Town and Country Planning Act 1990); and*
- (c) the applicants be advised by Informative that they should explore the potential for the installation of additional pedestrian refuge points and/or for lengthening them.

32. Application DO/18/1104 (KCC/DO/0474/2018) - Redevelopment of existing industrial site into a waste management use to provide for a fully enclosed waste management facility at East Kent Recycling, Aylesham Industrial Estate, Cooting Road, Aylesham; East Kent Recycling
(Item C2)

(1) The Head of Planning Applications Group reported correspondence from Nonnington PC maintaining its objection to the application.

(2) Ms Jillian Barr (representing Sharpak Aylesham Ltd) addressed the Committee in objection to the application. Mr Matt Mehegan spoke in reply on behalf of the applicants.

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 6 votes to 0 with 1 abstention.

(4) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the commencement of the development within 3 years; the development being carried out and completed in accordance with the submitted details, documents and plans; a maximum throughput of 45,000 tonnes per annum; no more than 80 HGV movements (40 in / 40 out) per day; records being maintained and made available to the Waste Planning Authority of all HGV movements; HGV movements before 0800 hours being restricted to 4 HGV movements between 0500 and 0600 hours and 10 HGV movements each hour between 0600 and 0800 hours; no overnight parking of HGVs taking place on site; measures being taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway; all loaded HGVs entering or leaving the site being enclosed, covered or

sheeted; no waste being delivered to the site by members of the public; the provision and retention of areas shown for vehicle access, parking, turning, manoeuvring, loading and unloading; measures to prevent the discharge of surface water into the public highway; the provision of dropped kerb cross overs and associated parking restrictions on the public highway; the provision and maintenance of visibility splays as shown on the submitted plans; the implementation and maintenance of the proposed fleet management measures to ensure that there is no queuing on the public highway; core operating hours being 0600 to 1830 on Mondays to Fridays; 0600 to 1400 on Saturdays with no operations on Sundays, Bank and Public Holidays (except where required in the exceptional circumstances set out below):-

exceptional vehicle movements taking place between 0500 and 2000 on Mondays to Fridays, 0500 to 2000 on Saturdays, with no vehicle movements on Sundays, Bank and Public Holidays; receipt of Waste Collection Authority and Waste Disposal Authority waste (including that which it has contracted to third parties) being from 0700 to 1800 on Public Bank Holidays (except Christmas Day) and on occasional Saturday afternoons up to 1700 prior to and following a Public Bank Holiday (in order to meet any exceptional service demands), 1830 to 0600 on Mondays to Fridays and 1400 to 0000 hours on Saturdays on up to a maximum of 10 occasions (nights) per year. Night-time working will not take place on Bank or Public Holidays or on more than two consecutive nights, 0800 to 1300 on Sundays on up to a maximum of 6 occasions (Sundays) per year). During all such extended hours all external doors are to be kept closed at all times, with no waste deliveries or transportation of materials off site taking place; the Operator maintaining a record of out of normal hours working;

the external cladding being finished in green; use of building being restricted to waste use; waste receipt, deposit, handling, sorting, processing, storage and dispatch taking place within the building; the implementation of an archaeological watching brief; waste types being restricted to those applied for in the amended application, excluding residual (putrescible) and black bag waste, unless in contaminant quantities; any putrescible (residual) waste received being removed from site to an authorised waste disposal facility within 48 hours; the submission for approval of a Dust Management Plan; rapid rise doors being installed and kept closed at all times unless a vehicle is entering or leaving; the submission for approval of a ground and surface water remediation strategy to deal with the risks associated with contamination of the site; the submission for approval of a verification report demonstrating the completion of works set out in the approved remediation strategy; the measures to be implemented if contamination not previously identified is found to be present on site; no infiltration of surface water drainage into the ground unless approved; no piling or any other foundation designs taking place using penetrative methods unless approved by the County Planning Authority; a copy of the permission and the approved plans being

made available in the operator's site office; the withdrawal of permitted development rights unless approved; no crushing, screening or shredding of waste taking place on site; all vehicles, plant and machinery being maintained, serviced and fitted with closed engine covers and effective silencers; no external lighting being installed without approval from the County Planning Authority; external lighting being extinguished outside the operating hours; the submission for approval of a Construction Environmental Management Plan (CEMP), including dust mitigation measures; and construction or demolition operations being restricted to 0800 to 1800 on Mondays to Fridays, 0900 to 1300 on Saturdays, with no operations on Sundays and Bank Holidays unless approved by the County Planning Authority; and

- (b) the applicants be informed by Informative
 - (i) of Local Highway Authority advise on work affecting highway land;
 - (ii) of Environment Agency advice on piling / foundation design.
 - (iii) of the Coal Authority's standing advice and contact details; and
 - (iv) that they should make a pre-application enquiry if they wish to progress the construction of a new radio mast on site, prior to any work taking place in order to establish whether the development proposed requires planning permission; and
- (c) the Head of Planning Applications Group be granted delegated powers to determine submissions made pursuant to the conditions imposed on the planning permission, including where there are relevant technical objections. *For the avoidance of doubt, any material changes to the nature of the development hereby permitted or the above conditions will require a further planning application (either full or a variation of condition pursuant to section 73 of the Town and Country Planning Act 1990.*

33. Proposal TW/18/239 (KCC/TW/0523/2018) - 2 Form of Entry expansion at Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells; KCC Property and Infrastructure Support
(Item D1)

RESOLVED that:-

- (a) the application be referred to the Secretary of State for Housing Communities and Local Government on Sport England grounds, and that subject to his decision and subject to a signed Memorandum of Understanding regarding the required monetary contribution regarding the Travel Plan and Public Transport Capacity Improvements permission be granted to the application subject to conditions, including conditions covering the standard 3 year time limit for implementation; the development being carried out in accordance with the permitted details; the submission and approval of details of all materials to be used externally; the submission for approval of a scheme of landscaping to

include additional tree planting, soft landscaping, and hard surfacing; the development being carried out in accordance with the submitted "Tree Protection, Removal and Replacement Strategy"; the submission of further details of an Arboricultural Method Statement with "restrictive dig and surfacing details; the submission of arboricultural supervision / monitoring reports; no tree removal taking place during the bird breeding season; the setting up of a 25m exclusion zone around potential badger setts prior to the commencement of the development; the submission of a biodiversity enhancement plan prior to the completion of the development; removal of the temporary teaching accommodation within 1 month of the first use / occupation of the permanent teaching accommodation; the submission of details of external lighting and hours of operation regarding the new building, the building extensions, the bus pick-up / drop off zone, pedestrian access routes, car parking and the site boundaries; completion of the bus pick-up / drop off zone and on-site pedestrian access improvements prior to first use / occupation of the development; the provision and retention of car parking, loading and turning facilities, 22 of them prior to first use / occupation, and the following 14 within 3 months of the removal of the temporary teaching accommodation; implementation of a Traffic Regulation Order to provide parking restrictions on Culverden Down and a 20 mph speed limit in the vicinity of the school, and its completion prior to occupation of the development; the submission and approval of an updated Travel Plan within six months of occupation, and its ongoing monitoring / auditing for a period of 5 years, within which there will be annual updates with funding secured for KCC Highways (via a Memorandum of Understanding) to ensure adequate resourcing to audit and oversee this process, including the setting up of a Steering Group and the appointment of a Travel Plan Coordinator; the submission and approval of a detailed Sustainable Surface Water Drainage Scheme prior to the commencement of the development; the submission of a verification report (relating to the SuDs) prior to occupation of the development; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; and the submission and approval of a construction management strategy prior to the commencement of the development, including details of the location of site compounds and operative / visitors' parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid conflict with peak school times, and details of any construction accesses; and

- (b) the applicants be advised by Informative that with regard to the requirement to prepare and submit:-
 - (i) a (revised / amended) School Travel Plan, they should register with Kent County Council's Travel Plan Management system "Jambusters"; and
 - (ii) a scheme of landscaping, consideration should be given to the inclusion of species that encourage bees;

34. Matters dealt with under delegated powers
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) County Council developments;
- (c) Screening Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and
- (d) Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (None).

35. KCC responses to consultations

(Item F1)

RESOLVED to note without comment Kent County Council's response to the following consultations:-

- (a) Application EDC/18/0196 - Discharge of Conditions 19, 20 and 21 of Permission EDC/17/0048 relating to the submission of the Area Masterplan, Area Design Code and Air Quality Monitoring at Ashmere (Western Village), Eastern Quarry, Watling Street, Swanscombe; and
- (b) Application EDC/19/0062 - Discharge of Condition F4 of Permission 20150155 (Gravesham) relating to a scheme for the provision and timing of improvements to the A2 Trunk Road/Southfleet Road Interchange and A2 Trunk Road/ station access roads at Land at Ebbsfleet bounded by A2, Southfleet Road, Springhead Road, North Kent Rail Line excluding Blue Lake, Springhead Enterprise Park and CTRL Alignment, Swanscombe and Northfleet.

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

Details of Interim Restoration (Conditions 2b and 22), Working, Restoration and Aftercare Scheme for the area marked in 'yellow' on drawing P1/1782/2 (Condition 8), Woodland Management Scheme (Condition 24), Aftercare Scheme (Condition 27) and Archaeological Watching Brief (Condition 30) pursuant to planning permission TM/02/2663/MR97, which allows for clay and sand extraction at Park Farm Quarry, Platt Industrial Estate, Maidstone Road, Platt, Borough Green - TM/02/2663/MR97/R

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2019

Application by Echoraise Ltd (trading as J Connolly & Sons Ltd) for details of Interim Restoration (Conditions 2b and 22), Working, Restoration and Aftercare Scheme for the area marked in 'yellow' on drawing P1/1782/2 (Condition 8), a Woodland Management Scheme (Condition 24), Aftercare Scheme (Condition 27) and an Archaeological Watching Brief (Condition 30) pursuant to planning permission TM/02/2663/MR97, which allows for clay and sand extraction from the quarry at Park Farm Quarry, Platt Industrial Estate, Maidstone Road, Platt, Borough Green - TM/02/2663/MR97/R.

Recommendation: Details pursuant to 2b, 22, 8, 24, 27 and 30 of planning permission TM/02/2663/MR97 be approved, subject to conditions and informatives.

Local Member: Mr H. Rayner

Classification: Unrestricted

Site

1. Park Farm is a partially worked dormant quarry located to the north of Platt Industrial Estate and to the south of the M26 motorway, between Borough Green and Wrotham Heath. The quarry is immediately to the north-east of Borough Green Sand Pit and the north-west of Nepicar Farm Quarry. A former inert landfill is located immediately to the south-east of the site. Access to the site is through Platt Industrial Estate, using private estate roads, including a narrow bridge over a railway cutting leading out onto the A25 (Maidstone Road) to the south. The A25 at this point passes through Platt village and access to the estate is located close to residential properties and Platt Primary School. The access road serves several commercial / industrial uses within the estate, as well as Borough Green Sand Pit and Park Farm Quarry.
2. The quarry benefits from planning permission for the extraction of clay and sand and the subsequent export of this mineral by virtue of planning permission

Details pursuant to conditions 2b, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97 at Park Farm Quarry, Platt, Borough Green - TM/02/2663/MR97/R

TM/02/2663/MR97. Permission was originally granted in the 1950's. In the intervening time the quarry has only been partially worked for some of its clay reserves, which overlie the sand deposits. The operations have largely been dormant for some 10 years with part of the quarry left open and unrestored. The mineral permission allows for quarrying activity up until 2040 with the final restoration of the site at a lower level by 2042 at the latest. The consent does not afford permission to import fill material and restoration is permitted at a lower ground level.

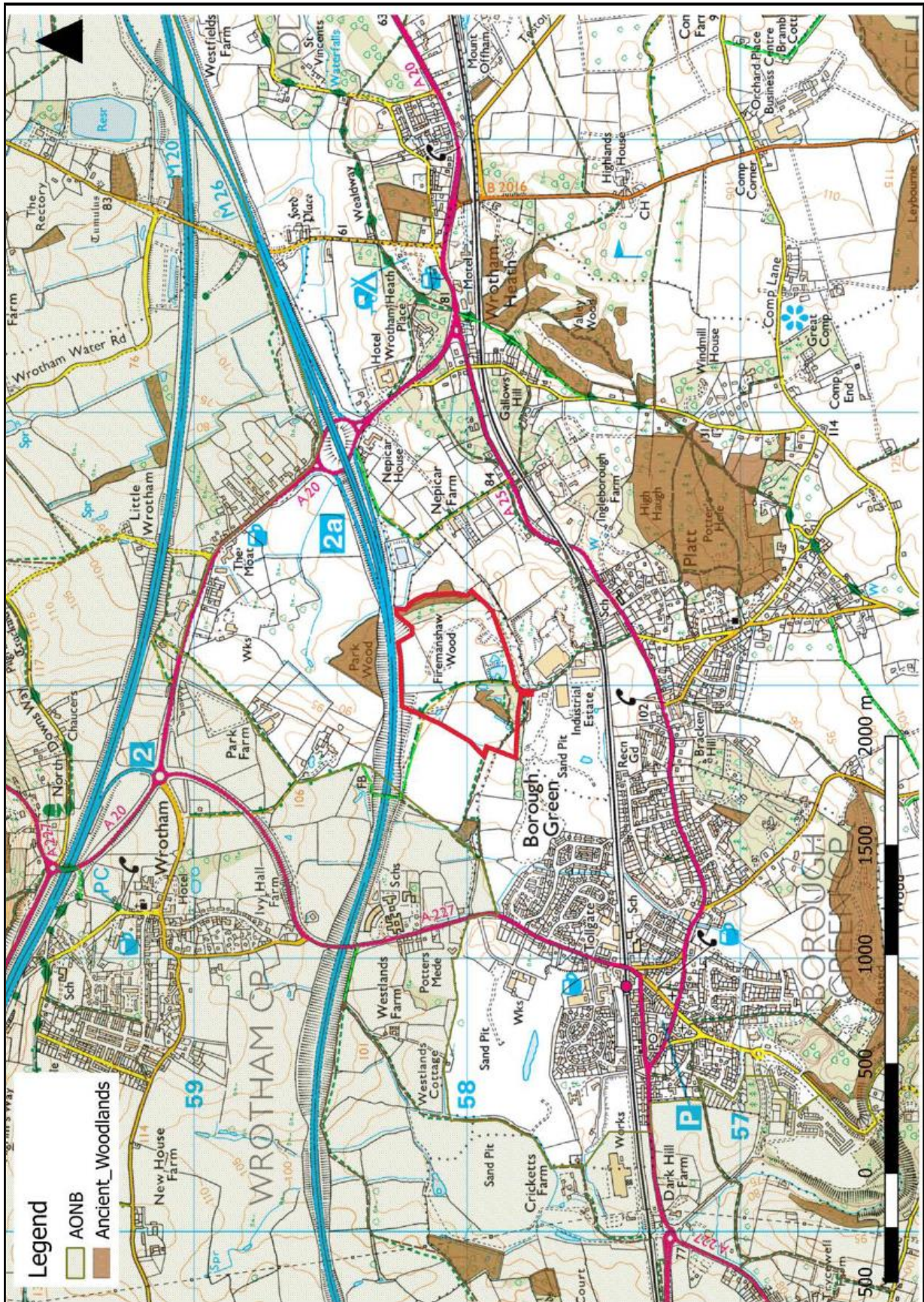
3. The quarry site falls within the Green Belt and is approximately 280m south-east of the Kent Downs Area of Outstanding Natural Beauty (AONB). A Kent Minerals and Waste Local Plan (MWLP) minerals safeguarding zone for Silica Sand/Construction Sand is located immediately to the south. Public Footpaths MR251 and Restricted Byway MR247B share the initial access road into the quarry. Footpaths MR251 and MR252 pass from the Byway to the west through the wooded area to the south-west of the quarry, known as Botany Wood. Restricted Byway MR247B crosses an unworked part of the permitted quarry toward the north-west. The route joins MR274A (a bridleway) that crosses the M26 by an elevated bridge to the west.
4. The quarry includes two wooded areas, Firemanshaw Wood along the eastern boundary and Botany Wood to the south-east. Both areas include sections of designated Ancient Woodland. Deciduous woodland is also identified as a 'Priority Habitat' and part of Firemanshaw Wood is subject to a group Tree Preservation Order (TPO) designated by Tonbridge and Malling Borough Council. There is a further woodland (Park Wood) immediately north of the M26, which is also designated Ancient Woodland. The quarry intersects with a Source Protection Zone (SPZ) 2 in the north-west and a SPZ 3 to the south.
5. The entire quarry and adjacent land north of Platt and Borough Green and south of the M26 forms part of the proposed Borough Green Gardens Strategic Site proposed for housing in the emerging Tonbridge and Malling Borough Council Local Plan (January 2019).
6. Other development plan policies that relate to the site / development are included in the Policy section below.

Background / Recent Site History

7. Planning permission for sand and clay extraction at Park Farm was granted on 15 March 1954 under permission reference MK/4/53/106A. The material extracted from the quarry was transported off site to Halling Cement Works for use in cement production. In 1976, a programme of working, restoration and landscaping for the quarry was granted permission under reference TM/75/885.

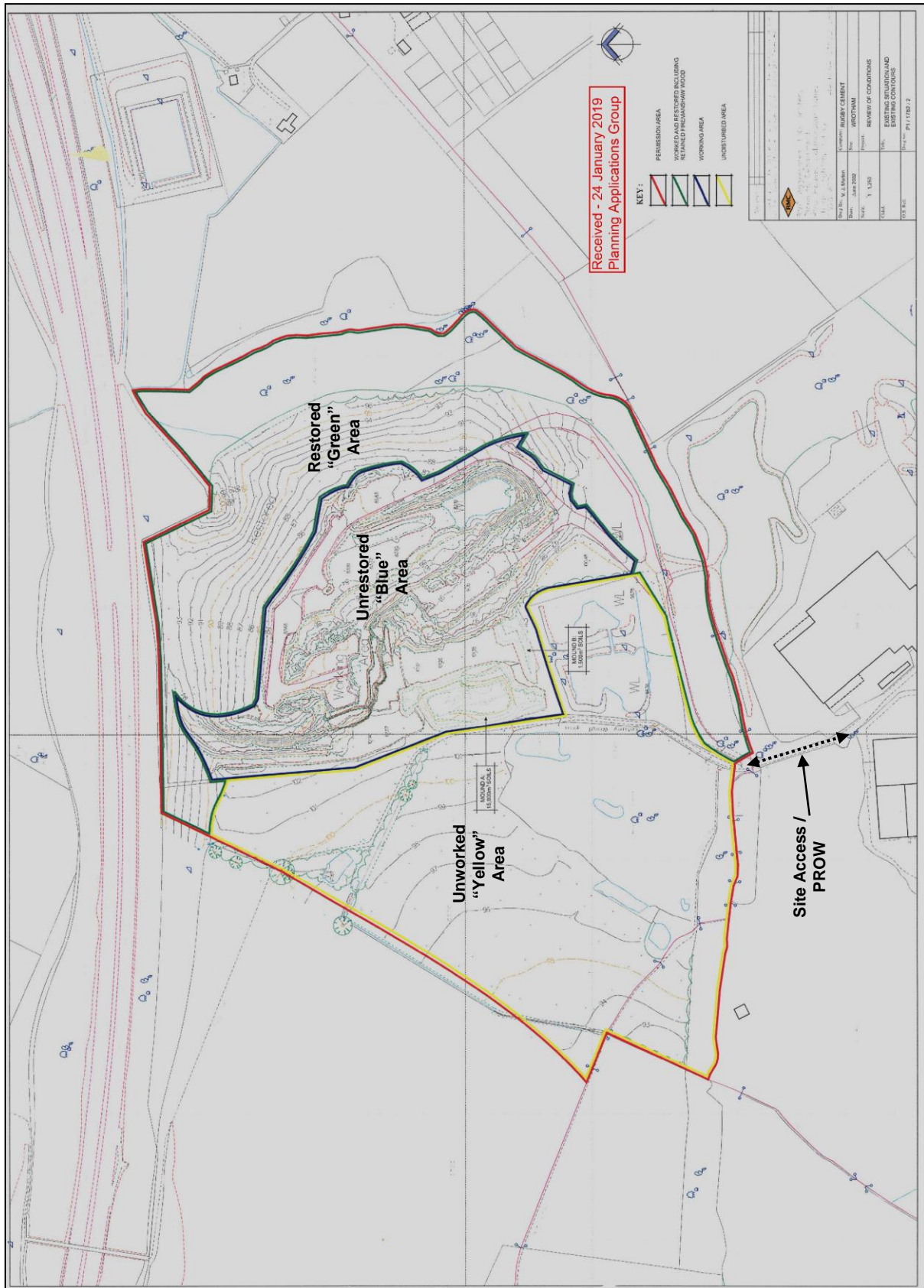
Item C1
Details pursuant to conditions 2b, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97 at Park Farm Quarry, Platt, Borough Green - TM/02/2663/MR97/R

General Location Plan



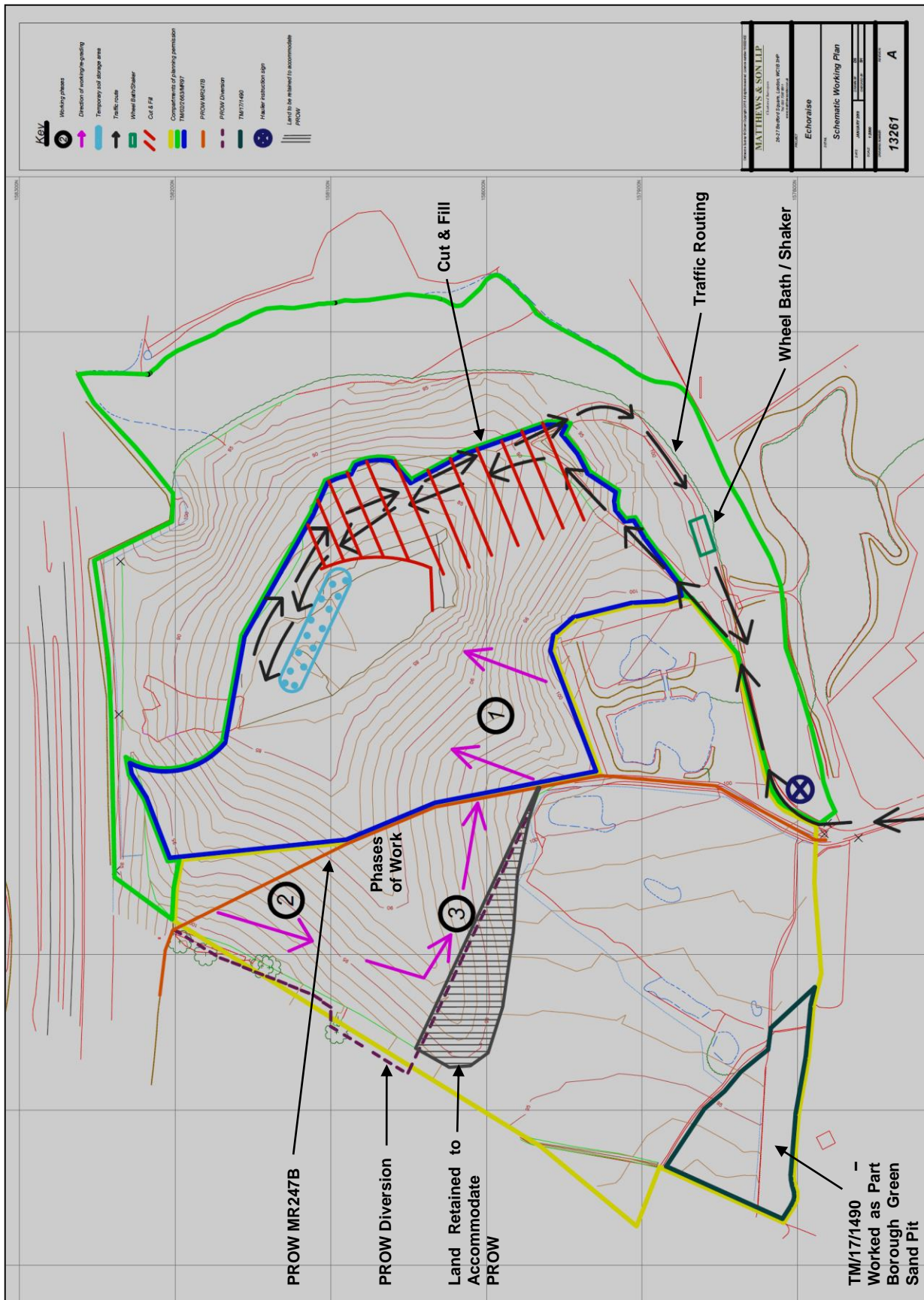
Details pursuant to conditions 2b, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97 at Park Farm Quarry, Platt, Borough Green - TM/02/2663/MR97/R

Existing Site Plan



Item C1
Details pursuant to conditions 2b, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97 at Park Farm Quarry, Platt, Borough Green - TM/02/2663/MR97/R

Schematic Working Plan



Details pursuant to conditions 2b, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97 at Park Farm Quarry, Platt, Borough Green - TM/02/2663/MR97/R

8. In October 1999 planning permission was granted for a westerly extension to Park Farm Quarry under planning reference TM/95/1708. This allowed for a significant extension of the land available for extraction of Gault Clay (only). The justification for the extension was that the clay reserves at Park Farm, along with the consented chalk reserves at Halling, would satisfy the raw material requirements for the cement works for a further 20 years. As part of the mitigation measures proposed with this significant extension to the quarry, the construction of a revised access was agreed (amongst other matters). This new access was proposed through the adjoining Nepicar Farm Quarry and out on to the A25, east of Platt. The access was subject to a legal agreement between the landowners and the restoration scheme for Nepicar Farm was altered to reflect the proposal. Planning permission TM/95/1708 was subject to a condition requiring the permission to be implemented within 5 years.
9. In 2000, before the above extension to Park Farm was implemented, Halling Cement Works ceased production. Ownership of the quarry changed hands at this time and the new owner indicated that the level of clay output would reduce, unless other uses could be found for the material. In this changing economic environment, planning permission TM/95/1708 subsequently lapsed before it was implemented, and the permission has now fallen away (including the permission for a revised access to Park Farm). The base permission MK/4/53/106A remained in effect.
10. In 2003, permission MK/4/53/106A was subject to the Review of Mineral Planning Permission (ROMP) process, which allows for the periodic review of old minerals permissions to ensure that the conditions imposed meet modern standards. An application for determination of new conditions was approved by the planning authority under reference TM/02/2663/MR97 on 3 March 2003. This permission includes 30 conditions in place of the 7 conditions included on the base permission granted in 1954. The new conditions included improved / modern controls to help minimise the impacts of quarry operations on the surrounding environment. Amongst other matters, the ROMP permission granted approval for an interim restoration scheme covering the initial phases of the quarry ("green" and "blue" areas identified on the Existing Site Plan (Page C1.4)).
11. The ROMP conditions include:
 - No mineral to be worked below 79.04m AOD unless approved, and not more than 2m above the highest ground water level;
 - Extraction to cease by 21 February 2040 with final restoration by 2042;
 - Access to the site restricted to the arrangements through Platt Industrial Estate;
 - HGV movements restricted to a combined total of 320 movements (160 In / 160 Out) per week (with no specific daily controls);
 - All vehicles directed to approach and leave the site from the east on the A25;
 - Measures to prevent mud and debris on the public highway;
 - No extraction within remaining undisturbed areas of the permitted quarry until working, restoration and aftercare schemes are submitted;
 - No importation of fill materials to site;
 - Soil handling / maintenance;
 - Measures to minimise the emission of dust;

Details pursuant to conditions 2b, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97 at Park Farm Quarry, Platt, Borough Green - TM/02/2663/MR97/R

- Operations between 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays; no operations at other times without approval;
 - Noise controls – maximum of 55dB_{L_{Aeq} 1h (free field)} at nearest sensitive properties, with exception of temporary operations up to 8 weeks a year not exceeding 70dB_{L_{Aeq}} (including site setup, overburden stripping, bund formation and restoration);
 - Interim restoration to be carried out in accordance with the approved plan;
 - Woodland management to be submitted;
 - Aftercare arrangements to be submitted; and
 - An archaeological watching brief to be agreed and implemented before further extraction.
12. The closure of Halling Works and a change in the cement industry severely affected the market for the Gault Clay, which forms a significant overburden to the sand resources below. The planning permission in place controls the working of the quarry and particularly the depth of sand extraction to safeguard groundwater resources below.
13. There has been limited activity on site over the last 10 years. The 'Existing Site Plan' included on Page C1.4 broadly illustrates the current position. The redline boundary is subdivided into three areas shown edged in 'green', 'blue' and 'yellow'. The 'green' area to the east of the site includes the retained Firemanshaw Wood and an area of the quarry that has been worked and restored. The 'blue' area to the centre of the drawing shows the unrestored quarry, which is currently extracted down to the interface between the clay and sand at 82m AOD. The 'yellow' area signifies the undisturbed section of the permitted quarry to the west, which is approximately 100m AOD and similar in height to the surrounding unworked farmland and woodland. Permission TM/02/2663/MR97 requires further information on the working, restoration and aftercare of the remaining areas before further extraction can take place. The permission allows for the possibility that these areas could be worked up until 2040 end date for extraction. However, it is drafted in such a way as to allow for the possibility that the quarry could lie dormant for a time by requiring the submission of interim arrangements for the successful integration of the land back into a productive use.
14. An interim restoration scheme for the worked area ('blue' area) was approved in 2003. However, it was concluded, following an inspection by KCC in 2007, that the approved scheme contours could not be delivered, and a revised scheme was requested. Revised details were submitted to KCC in July 2008. The submission was registered as a separate planning application, reference TM/08/2869, however due to the failure of previous owners to address issues raised during its consideration it was never determined. The current application seeks to address these outstanding matters.
15. Borough Green Sand Pit (BGSP) shares the access through the Platt Industrial Estate with Park Farm. BGSP benefits from permission to extract sand and infill the void with inert waste material. The original quarry has been subject to two extensions, the most recent of which was granted on 6 September 2017 under permission reference TM/17/1490. This extension relates to land within the south-west corner of the redline boundary and permitted reserve within Park Farm Quarry. The quarry and landfill operations at BGSP are subject to several controls that seek to limit the impact of the development on the surrounding land uses and the local environment. These controls

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include a maximum of 60 HGV movements per day (30 In / 30 Out). The County Council has received a number of complaints that the controls on HGV movements are being breached, however the consideration of the current application should assume that the controls are in place and operations continue as approved. The County Council is investigating the complaints and this matter will be dealt with separately.

16. Tonbridge and Malling Borough Council granted permission for extensions to Platt Industrial Estate in January 2017 under permission reference TM/16/01766/FL for the erection of 3 industrial buildings accommodating a mix of B2 (General Industry) and B8 (Storage/Distribution) use (Phase 4 Platt Industrial Estate). In September 2015, the Borough Council granted permission under reference TM/15/03084/FL for the erection of an industrial building comprising 3 no. light industrial units (Phase 3 Platt Industrial Estate). Both developments appear to have been implemented and are currently in the process of being built out.
17. Tonbridge and Malling Borough Council recently granted outline planning permission for a new access road to Platt Industrial Estate under planning reference TM/16/03630/OA. This application was promoted by Platt Parish Council (independent of the landowners) as a potential future alternative to the existing access arrangements to the industrial estate and quarries. The proposed route passes east directly through Nepicar Sand Pit to join the A25 (Maidstone Road) beyond Platt. The permission allows 12 years for the implementation of the access. There are several conditions imposed that would need to be discharged before the permission could be implemented, these include a strategy demonstrating non-sterilisation of strategic mineral reserves below the route, detailed design work for the road, a report into the predicted noise impact from the new road and relocation of sand quarry operations within Nepicar Farm Quarry including processing/screening/loading and weighbridge area.

Proposal

18. The submission, made on behalf of Echoraise Ltd (trading as J Connelly & Sons), proposes details pursuant to various conditions placed on permission TM/02/2663/MR97. The details proposed address outstanding matters that would enable the recommencement of quarrying, the provision of interim restoration requirements, and suitable management and aftercare arrangements to be put in place. The proposals include the extraction of clay to help achieve a more stable and sustainable interim restoration scheme, which better reflects the surrounding topography and enables an agricultural after-use.

Interim Restoration (Conditions 2b and 22)

19. Condition 2 (b) requires that the extraction of clay, for the purposes of implementing interim restoration in the area edged 'blue' on the 'Existing Site Plan' (Page C1.4), should cease by 31st December 2007. Condition 22 requires the interim restoration of the area shown in 'blue' pending the submission of further details of the working of the wider permitted quarry complex. Approval is sought for the resumption of clay extraction in the 'blue' area to achieve the revised interim restoration contours illustrated on 'Schematic Working Plan' (Page C1.5) and in accordance with the planting details described within the 'Planting Plan' (Page C1.6).

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20. In its current partly worked condition the quarry cannot be returned to agricultural use. This is due to the depth of excavation in the 'blue' extraction area and the steep slopes left by the previous site operator.

Working, Restoration and Aftercare Scheme for the area marked in 'yellow' on drawing P1/1782/2 (Condition 8)

21. The area marked in 'yellow' on the approved drawing highlights the part of the quarry that has yet to be worked. Condition 8 seeks to ensure that suitable working, restoration and aftercare schemes are in place before excavation commences in later phases of the quarry. The original working scheme approved proposed slopes on the western boundary of the extraction area to be worked to 1 in 3 with the inclusion of tree planting to stabilise the landform. As indicated above, the faces of the worked areas, including those on the boundary with the 'yellow' area, have been worked to a steeper slope angle and left. The angle and lack of vegetation has resulted in ground slips and erosion around the edges of the void.
22. Condition 23 refers to restoration of the site to agricultural use and condition 27 specifically refers to the interim restoration of the 'blue' area to a scheme "as may be necessary to return the land to a standard reasonably fit for agricultural purposes".
23. The 'blue' area has been worked to a depth of approximately 82mAOD at its lowest point; this marks an interface between the clay and the sand in this part of the quarry. Although the planning permission allows extraction of the underlying sand across the site it is not proposed to deepen the workings in the blue area at this stage. The difference in height between the western extent of the quarry (the unworked 'yellow' area) and the base of the current void means that a stable interim restoration slope cannot be engineered unless part of the 'yellow' area is engineered to achieve a suitable slope angle.
24. Permitted operations may not take place in the 'yellow' area until a scheme of working and restoration has been approved under condition 8. The application proposes to extend the regrading into the 'yellow' area to create 1 in 8 slopes, which would support interim restoration to agriculture. The extraction of some of the clay within the 'yellow' area would free up material (approximately 27,000m³) to infill the eastern slopes within the 'blue' area to a suitable gradient. A further 187,000m³ (approximately 374,000 tonnes) of clay would need to be extracted and exported to achieve the proposed landform within the 'yellow' area. This exported material could then be used in other reclamation projects as engineering material.
25. The applicant anticipates that the clay could be worked over a period of two to three years if worked continuously, based on 18 tonne loads over 270 working days per year. Notwithstanding this, the application states that the site would be open for specific contracts, rather than being open daily to the collection trade. The work rate would depend on the demand for clay and the availability of suitable contracts. The material would be extracted using mobile plant, including an excavator, loading shovel and a bulldozer to create the profiles. The application includes a Schematic Working Plan (included above). This shows the extent of the extraction area and the direction of working. Soils would be stripped and stored on site for use in the restoration work.

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The application includes details of soil handling arrangements to ensure the resource is preserved.

26. The Restricted Byway MR247B, which crosses the quarry between the 'blue' and 'yellow' areas on the attached map, is proposed to be permanently diverted to a route passing around the western boundary of the quarry, as indicated on the 'Schematic Working Scheme' included on Page C1.5.
27. Planning permission TM/02/2663/MR97 includes conditions that seek to control the operations to ensure the development does not have an unacceptable impact on the surrounding environment and local amenities. The application states that these would continue to be adhered to including controlling the permitted access route and vehicle routing toward the east; total number of HGV movements; hours of working; dust suppression measures and specific noise limits.
28. The proposed extraction from the quarry would be contract specific, so hauliers would be instructed in advance to observe the access requirements. A wheel bath and shaker operating in series is proposed to prevent mud and debris on the access road and public highway. The neighbouring quarry operator (Borough Green Sand Pits), also uses the industrial estate roads as their main access. BGSP regularly sweep these roads and the applicant proposes to collaborate over the provision of this service.
29. The submission proposes additional controls on HGV movements in response to local concern. The current weekly controls, under condition 5, allows 320 movements (160 in 160 out) per week. In theory this condition could allow all 320 movements in a single day. The proposals include a new daily limit of 58 HGV movements (29 in / 29 out) (i.e. the weekly limit spread over 5.5 days).

Aftercare Scheme (Condition 27)

30. Condition 27 requires submission of an aftercare scheme to cover any interim restoration period of the 'blue' area, as may be necessary to achieve a standard reasonably fit for agricultural purposes.
31. The Restoration and Aftercare Scheme proposed includes measures for management of the area to be worked and regraded, which includes part of both the 'yellow' and 'blue' areas (as indicated above). The scheme sets out details of soil handling, drainage, habitat creation, woodland, shrub, hedgerow and grassland planting with a 5-year aftercare scheme providing management practices during each year.

Woodland Management Scheme (Condition 24)

32. Details of a woodland management scheme, pursuant to Condition 24 of TM/02/2663/MR97, were approved on 6th September 2004. The scheme scoped a 10-year management plan for the planting, mainly at Firemanshaw Wood. The scheme states that "management is to be carried out initially for 10 years and then reviewed and altered as necessary".
33. As aftercare details are being submitted, the applicant has taken the opportunity to submit an updated Woodland Management Plan. The scheme is based on an up-to-

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dated ecological baseline and provides for management of the woodland for a further 10-year period, seeking to enhance ecological function, structural diversity, habitat diversity, whilst maintaining landscape character and amenity value.

Archaeological Watching Brief (Condition 30)

34. Condition 30 of permission TM/02/2663/MR97 requires a watching brief of soil stripping in accordance with a “written programme and specification for the archaeological work” approved by the mineral planning authority. The submission includes for approval, a Written Scheme of Investigation covering the undisturbed ‘yellow’ area proposed for extraction.

Additional / revised information received from the applicant during the processing of the submissions

35. Following initial concerns from consultees, including Public Rights of Way and Highways England, the applicant provided further supporting information in response. Public Rights of Way initially raised concern about there being no agreement in place to allow for the temporary or permanent diversion of Restricted Byway MR247B (which crosses the extraction area). Highways England’s concerns related to the proximity of the site to the Strategic Road Network and the potential for the proposed activities to affect the stability of the soil and / or drainage close to the motorway.
36. Information received in response is as follows:
- Technical Briefing Note: Supplementary Information for Interim Restoration and Aftercare Scheme – relating to landscape and ecological matters.
 - Technical Note concerning geotechnical considerations in relation to the Strategic Road Network.
 - A revised Schematic Working Plan – which updates the original plan to show a revised order for the phasing of work to preserve the existing route of the byway until a permanent diversion is legally agreed and implemented. This includes revisions to the proposed landform to retain land at existing levels to accommodate the agreed routing proposed for the right of way.
37. Further to the above a separate application has been made to Kent Highways that seeks the formal diversion of Restricted Byway MR247B.
38. The additional information referenced above has been subject to further consultations with key statutory consultees (as appropriate). The consultee responses included below represent the most recent views received in each case.

Planning Policy

39. The most relevant Government Guidance and Development Plan Policies are summarised below:
40. **National Planning Policies** – the relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (2019) and the associated National

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Planning Practice Guidance (NPPG), including the Minerals Planning Practice Guidance (MPPG). These are material planning considerations.

41. **Kent Minerals and Waste Local Plan (2016) (KMWLP) Policies:** CSM1 (Sustainable Development); CSM2 (Supply of Land-won Minerals in Kent); CSM5 (Land-won Mineral Safeguarding); DM1 (Sustainable Design); DM2 (Environmental and Landscape Sites of International, National and Local Importance); DM3 (Ecological Impact Assessment); DM4 (Green Belt); DM5 (Heritage Assets); DM6 (Historic Environment Assessment); DM7 (Safeguarding Mineral Resources); DM10 (Water Environment); DM11 (Health and Amenity); DM12 (Cumulative Impact); DM13 (Transportation of Minerals and Waste); DM14 (Public Rights of Way); DM18 (Land Stability); DM19 (Restoration, Aftercare and After-use); and DM20 (Ancillary Development).
42. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Draft (September 2018) (EPRKMWLP) Policy:** DM7 (Safeguarding Mineral Resources).
43. **Tonbridge and Malling Borough Council Local Development Framework: Core Strategy (2007) (TMBC CS) Policies:** CP1 (Sustainable Development); CP2 (Sustainable Transport); CP3 (Green Belt); CP14 (Development in the Countryside); CP6 (Separate Identity of Settlements); CP9 (Agricultural Land); CP24 (Achieving a High-Quality Environment); and CP25 (Mitigation of Development Impacts).
44. **Tonbridge and Malling Borough Council Local Development Framework: Managing Development and the Environment Development Plan Document (2010) (TMBC MDE) Policies:** CC3 (Adaptation – Sustainable Drainage); NE2 (Habitat Networks); NE3 (Impact of Development on Biodiversity); NE4 (Trees, Hedgerows & Woodland); SQ1 (Landscape & Townscape Protection & Enhancement); SQ4 (Air Quality); SQ5 (Water Supply & Quality); SQ6 (Noise); SQ7 (Health & Well-being); and SQ8 (Road Safety).
45. **Emerging Tonbridge and Malling Borough Council Local Plan Regulation 22 Submission (January 2019) (Draft TMBC LP) Policies:** LP1 (Presumption in Favour of Sustainable Development); LP11 (Designated Areas); LP12 (Areas of Outstanding Natural Beauty); LP14 (Achieving High Quality Sustainable Design); LP18 (Sustainable Drainage Systems (SuDS)); LP19 (Habitat Protection and Creation); LP20 (Air Quality); LP21 (Noise Quality); LP23 (Sustainable Transport); LP24 (Minerals and Waste); LP25 (Housing Allocations – Overview); and LP29 (Strategic Site – Borough Green Gardens).

Consultations

46. **Tonbridge & Malling Borough Council – no objection** to the details.
47. **Borough Green Parish Council – no objection, subject to a condition** requiring access to be via a new haul road permitted through Nepicar Farm Sand Pit. The Parish Council are concerned about any increase in HGV movements on the old access to the industrial estate and consider that the access already has unacceptable impacts in terms of highway safety and local amenity through noise, dust and debris.

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The Parish's comments indicate that if, the application is an attempt to quickly restore the pit for re-development it would object in the strongest possible terms. The concern being that this is an attempt to vary the original permission to extract sand, in the hope of sterilising the reserves to facilitate plans to redevelop the site for housing. The Parish note KCC's own mineral plan indicates a shortage of soft sands, and the nearest sources when Nepicar and BGSP are exhausted would be Lenham.

48. **Platt Parish Council – no objection, subject to a condition** requiring a new access through Nepicar Farm Sand Pit, to avoid exacerbating the impact of HGVs using the existing haul road, including in terms of noise and dust impacts on the residents of Platt.
49. **Wrotham Parish Council – no objection**, provided the submission does not sterilise the remaining permitted mineral reserves.
50. **Environment Agency – no objection** to the proposed works. The EA note that this submission is not seeking to extend operations previously agreed under planning permission TM/02/2663/MR97 in terms of the extent of the quarry or the volume of material to be excavated. The proposed works are not to increase the extent of the quarry therefore the works are not going to influence the historical landfill located south of the quarry boundary.
51. **Natural England – no comments** on the interim restoration pursuant to planning permission TM/02/2663/MR97.
52. **Highways England – no objection**. Following a visit to site and receipt of further supporting information on geotechnical matters Highways England is content for the conditions to be discharged.
53. **Health and Safety Executive – no response received**.
54. **South East Water – no response received**.
55. **Kent Highways & Transportation – no objection** to the submissions. The comments recommend an informative advising the applicant of the need to obtain all necessary highway approvals and consents where required (being separate from the planning process).
56. **Kent County Archaeological Officer – no objection** to approval of the written specification of archaeological work. The response draws attention to the potential for important archaeological remains to be present within the proposed works area. There have been several previous archaeological discoveries within the vicinity, including at adjacent quarry sites. These archaeological discoveries include Palaeolithic and Mesolithic flint work, Late Iron Age and Romano-British activity and occupation and a possible Romano-British cremation cemetery.

The response recommends the following informatives:

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- The archaeological condition should not be considered to have been fully complied with until the on-site works have been completed in accordance with the written specification, including a report on the findings to be submitted and approved, and agreement reached on the publication (if required) of the results. The written specification provides a timetable for the reporting works.
- In practical terms, the proposed works will require the machine stripping of a relatively large area of previously undisturbed land. The wording of the planning condition requires a watching brief only, however the applicant might wish to consider carrying out strip, map and sample investigations within previously undisturbed land ahead of the proposed extraction. In this way any archaeological remains could be adequately dealt with before the main restoration works start and would avoid any potential difficulties that might arise should important archaeological remains be encountered during the restoration works.

57. **Kent Flood and Water Management – no objection.** The comments received note that none of the conditions appear to relate to surface water and the site is deemed as a low risk development with regards to flooding.

58. **Kent Public Rights of Way – no objection,** subject to a condition securing no excavation in phases 2 and 3 of the development, set out in drawing 13261 Rev A titled 'Schematic Working Plan' dated January 2019, (i.e. below or to the west of Byway MR247B), until after a diversion to the above byway is legally confirmed and the agreed arrangements are provided on site.

Rights of Way recommend a further informative advising the applicant that planning permission confers no other permission or consents and that any change to the PROW requires the express permission of the Highways Authority.

59. **Kent Ecological Advice Service – no objection.** The comments acknowledge that amendments have been made to the proposed restoration works and aftercare scheme in response to initial recommendations, including:

- Removing the potential application of herbicides.
- Removing the conventional anti-parasitic chemicals from livestock maintenance.
- Clarification of the intended grazing regime timings/compartments.

The Ecological Advice Service confirms it is satisfied that the proposals as amended and recommend that they are implemented.

60. **Kent Downs AONB Unit – no response received.**

61. **Kent County Council's Landscape Consultant (Amey) – no objection.** Amey made several initial recommendations relating to the enhancement of the open water proposed, including translocation of native marginal planting and soils; the replace of Ash trees with suitable native alternatives; advice on soil handling; and provision of a site clearance plan. These matters are addressed within the supplementary 'Technical Briefing Note' prepared by the applicant, which Amey confirms addresses its earlier comments.

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Amey recommend that the Woodland Management Plan for Firemanshaw Wood is appropriate to meet the stated objective of enhancing the ecological value of the existing woodland. The advice concludes that the overall proposal to create gentle slopes and contours no steeper than 1:8 is appropriate in the landscape and would reflect the local topography.

62. **Kent County Council's Noise Consultant (Amey) – no objection.** Amey note that the previous planning permission, under conditions 19 and 20, set specific noise limits for mobile plant at 55dB (at the nearest noise sensitive properties) and, for temporary operations such as soil stripping, at 70dB. Additional controls on noise and disturbance are provided with respect to working hours (condition 15), numbers of heavy goods vehicles (condition 5) and access route (through the Platt Industrial Estate) (condition 3). The current submission would not require the alteration of any of the existing conditioned controls. Amey concludes that it is satisfied that off-site noise arising from the proposals would not be a significant cause for concern and no further detailed assessment is required.
63. **Kent County Council's Air Quality & Odour Consultant (Amey) – no objection.** The advice confirms Amey is satisfied that the application continues to fulfil the conditions previously laid down regarding air quality and dust. Therefore, the impact of dust and pollution from vehicle movements would not be significant. The advice recommends that no further detailed assessments should be required at this stage. It notes that should the proposed operations change significantly in the future further assessments may be required.

Local Member

64. The local County Member for Malling West, Mr Harry Rayner was notified of the application on 20 February 2019.

Publicity

65. The submission was publicised by the individual notification of 30 nearby properties.

Representations

66. In response to the publicity, 1 letter of representation has been received objecting to the submission on the following grounds:
- The suitability of the narrow access road, including the bridge over the railway and the junction with the A25 (Maidstone Road) to accommodate an increase in HGV movements. Considers that an increase in HGV movements would be unsafe and would have an unacceptable impact on residential amenity.
 - An alternative access to the public highway should be provided (irrespective of cost and should be built from any money made from re-opening the quarry).
 - Noise pollution from operations within the quarry, which is near residential property.
 - Concerns about vehicles associated with the existing businesses leaving at 5am.

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Discussion

67. The submission proposes details pursuant to planning permission TM/02/2663/MR97 relating to the ongoing operation of the currently dormant Park Farm Quarry. The quarry site benefits from planning permission until 2040 for the extraction of clay (overburden) and soft sand located below (down to a maximum depth of 2m above the highest recorded groundwater levels). The permission requires final restoration of the site back to an agricultural use at a lower level by 2042. Due to changes in the commercial market for clay, operations on-site have reduced with the site falling dormant for approximately 10 years. This has left one section of the overall site left open and in an unrestored / used state for this time. The current submission addresses several conditions included within the permission that allow for the interim restoration of the quarry, which makes good the existing extraction and returns the site to an agricultural use whilst the quarry remains dormant. The conditions relate to an Interim Restoration (Conditions 2b and 22), a Working, Restoration and Aftercare Scheme (Condition 8), a Woodland Management Scheme (Condition 24), Aftercare Scheme (Condition 27) and an Archaeological Watching Brief (Condition 30).
68. The submission is being reported to the Planning Applications Committee as a result of one letter of objection from a nearby resident (raising concerns about the access, highway safety and local amenity impacts) and Platt and Borough Green Parish Councils' recommendations that approval only be granted subject to a new vehicle access to the site being provided. See the Consultation and Representations sections above for details of all views received
69. In considering this proposal regard must be had to the Development Plan Policies outlined in the Planning Policy section. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultations and publicity.
70. In my opinion, the key material planning considerations in this case can be summarised by the following headings:
- Continued working and interim restoration (Conditions 2b, 8 and 22)
 - Principle of the development / need
 - Sustainable use of reserves / safeguarding
 - Highways and access
 - Interim Restoration (Landscape / visual impact / ecology)
 - Geotechnical
 - Local Amenities (Noise and dust)
 - Groundwater / surface water flooding
 - Rights of Way
 - Aftercare Scheme (Condition 27)
 - Woodland Management Scheme (Condition 24)
 - Archaeological Watching Brief (Condition 30)

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Continued working and interim restoration (Conditions 2b, 8 and 22)Principle of the development / Need

71. Paragraph 203 of the NPPF states the importance of maintaining the supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It states that since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Paragraph 205 indicates that great weight should be given to the benefits of mineral extraction, including to the economy. Amongst other matters, paragraph 205 also seeks development that provides for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards.
72. Policies CSM1 of the KMWLP, CPS1 of the TMBC CS and Policy LP1 of the draft TMBC LP provide a presumption in favour of sustainable development and delivery of a high-quality sustainable environment. Policy CSM2 of the KMWLP allows for the supply of land-won minerals in Kent. This includes the extraction of clay for engineering purposes to meet the needs of the local market and soft sand to provide for rolling landbanks for the whole of the plan period and beyond. Policy DM1, amongst other matters, requires development that protects and enhances the character and quality of the site's setting and its biodiversity interests.
73. The current submissions do not represent an opportunity to revisit the principle of the quarrying development or the key operational criteria and controls established under the extant permission. The principle of quarrying at Park Farm was established in 1954, with the more recent ROMP permission (TM/02/2663/MR97) updating the controls in respect of the quarry. At the time of the ROMP application the Planning Authority was satisfied that the impacts of the development could be reasonably mitigated by the conditions imposed. The submission does not propose to extend or change the nature of the development / quarrying operations previously agreed, including in terms of the extent of the quarry, the overall volume of material that remains to be extracted, the timeframes for extraction, the hours of operation and the routing or number of vehicle movements.
74. Due to the circumstances described in the background section above, the site has not been worked since December 2007. These circumstances relate to the changes in ownership and a change to the local market for clay as a mineral product. As part of the work required to restore the open quarried area, the operations propose the extraction of further clay reserves, approximately 214,000m³, to allow the creation of a useable and sympathetic landform. Approximately 12% of this material (circa 27,000m³) would be required as infill material to reprofile part of the eastern slopes of the quarry void to a more acceptable gradient. The remaining 187,000m³ of clay would be suitable for export for use in restoration and engineering work elsewhere.
75. The current proposals seek to address the conditions imposed on TM/02/2663/MR97 to protect and enhance the surrounding environment and ensure that the quarry does not remain open and unrestored for a significant length of time. I am satisfied that there is a genuine need for an interim restoration arrangement to be agreed and secured given the length of time that the quarry has remained open and unworked (10-years). In its current state the land impacted by earlier mineral working cannot be put to a suitable / sustainable alternate use until further mineral extraction takes place

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or an interim restoration scheme is secured that provides a landform suitable to enable the return of the land to agriculture.

Sustainable use of reserve / safeguarding

76. Policies CSM5 and DM7 of the KMWLP safeguard certain minerals identified within Mineral Safeguarding Areas or sites for mineral working within the plan period identified in Appendix C of the KMWLP. This safeguarding is subject to several conditions, including that extraction of the mineral should be economically viable and practicable.
77. The KMWLP states that *“The purpose of the Mineral Safeguarding Area safeguarding designations is to ensure that mineral resources are properly considered in planning decisions for non-mineral development proposals, in order to prevent unnecessary sterilisation of Kent’s potentially economic mineral assets. There is no presumption that the mineral present in these areas will be extracted, or that these areas would be considered acceptable for mineral extraction works”*.
78. As discussed above, the permitted clay and sand reserves at Park Farm Quarry are not within a Mineral Safeguarding Area and are not included in the minerals landbank. Clay is no longer a safeguarded mineral, although the strategic waste allocation associated with the proposed extension to Norwood Quarry and Landfill Site is included in the Kent MWLP. This would provide clay for engineering purposes during the plan period. The reasons for not including the sand reserves at Park Farm Quarry in the soft sand landbank are due to uncertainty over the quantity and quality of the reserves and question marks over the economic viability and the likelihood of these ever being worked given the extent of the clay overburden. The Planning Authority cannot require the applicant to work all the permitted clay and sand at Park Farm Quarry. Indeed, it can only require that the quarry be restored in an appropriate way (such as had been envisaged in the earlier interim restoration proposals and now in the current submission).
79. The applicant states that the proposed scheme is a temporary measure to improve the interim restoration of the site and extract clay while longer term further clay and sand extraction aspirations for the site are considered. It notes that a staged approach to the extraction was always anticipated and this is reflected in permission TM/02/2663/MR97, which includes conditions seeking the submission of further survey work and working schemes before sand or clay is extracted.
80. In terms of the factors influencing future working of the sand reserves, these include the maximum depth of working which is conditioned to be at least 2 metres above the historic water level to protect groundwater resources. The applicant states that the maximum depth of the working may also be influenced by the need to create suitable restoration slopes between the surrounding ground levels and the quarry floor. The permission does not allow for infill material to be imported to site. Other constraints in working more of the quarry would include the existing fishing lakes and surrounding woodland areas, which include an area designated as ancient woodland. The submitted scheme does not propose to impact on these constraints. Any proposal to work more of the reserve would need to address the above matters accordingly before extraction from the wider quarry area could be approved.

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Green Belt

81. The application site falls within the Green Belt as set out in the Tonbridge and Malling Borough Council's proposals map. Policy DM4 of the KMWLP requires that proposals for minerals and waste development within the Green Belt are considered in light of their potential impacts and whether they comply with national policy. Paragraphs 143 – 144 of the NPPF indicates that "inappropriate development" is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 indicates that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, these developments include mineral extraction. The proposed submissions do not propose to alter the permitted development in terms of the quarry's size, scale, nature or intensity of the use. The development proposed purely relates to details of working, restoration, on-going maintenance and aftercare. Considering the above and the extant planning permission, I am content that the development would have no greater impact on the openness of the Green Belt than the existing permitted development and would therefore be considered acceptable within the designation.
82. Subject to further consideration of the potential impacts of the submission below, I am content that the extant planning permission(s) to work the quarry until 2042 and the genuine need to secure an interim restoration scheme establishes the need for the development and the principle of working the reserves in this location.

Highways and access

83. Paragraphs 108 - 109 of the NPPF, policy DM13 of the KMWLP, policy CP2 of TMBC CS and policy SQ8 of TMBC MDE require development that avoids any significant impacts on highway safety, capacity or congestion that cannot be effectively mitigated. This includes a safe access that is appropriate to the scale and nature of the use. Government guidance indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
84. Planning permission TM/02/2663/MR97 grants permission for the quarrying of the land, including establishing an acceptable level of HGV movements and the access onto the primary highway network. As confirmed above, the submitted details do not propose to alter the permitted development in terms of the quarry's scale, nature or intensity of the use. This includes no changes to the access arrangements, nor the overall number of HGV movements permitted (restricted to 320 movements (160 in / 160 out) per week).
85. I note that the existing access to the quarry through the Platt Industrial Estate onto the A25 Maidstone Road is cause for concern for the local community. There have been several changes made to widen and improve the arrangements in response to development within the industrial estate over the years. A local resident, Platt and Borough Green Parish Councils all raise concern over the access provisions, which involve use of a narrow private access road that joins the A25 close to residential property and a local school, within a 30mph zone. The size of the vehicles using this route and turning on to and off the public highway can cause congestion and has prompted highway safety concerns from the local community in the past. Platt and

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Borough Green Parish Councils are seeking a condition that requires the applicant to deliver a revised access, which was granted permission by Tonbridge and Malling Borough Council under permission reference TM/16/03630/OA, as part of the current submissions. The revised access scheme, which was promoted by Platt Parish Council, seeks to provide for an alternate access road to the Platt Industrial Estate and quarries through Nepicar Farm Quarry (land outside the applicant's ownership) to the east, with the new access road joining the A25 beyond the village confines.

86. Whilst I appreciate the concerns expressed, in this instance given the nature of the submission (providing details pursuant to an extant planning permission) the proposals would not materially alter the highway impacts from those already accepted following the grant of the extant planning permission; even though the site has been dormant for several years. On the basis that the proposals would not change the scale or nature of the permitted use there is no justification to seek a change to the established highway controls, including the approved access arrangements. The acceptability of the use is already established by the extant planning permission. Notwithstanding the justification needed to seek contributions to any new access, delivery of the permitted route would also require the agreement of the landowner(s) of Nepicar Farm, the strategic sand reserves below the route to be worked and the processing/screening/loading and weighbridge area for the quarry to be relocated.
87. In response to local concerns about HGV movements through the industrial estate onto the A25, the applicant has voluntarily offered up changes to the controls on vehicle movements. The proposed approach would restrict the maximum number of daily movements in place of the permitted weekly limit. Technically, the way the existing condition is drafted it would allow the weekly number of movements (320) to take place in a single day (with no movements the rest of the week). The submission proposes a voluntary daily limit on HGV movements of 58 (29 in / 29 out) each day, which is the permitted weekly limit spread over the working week (5.5 days). By spreading the movements across the working week, the potential impact of the quarry on the existing daily movements in and out of the industrial estate could be controlled, as could the cumulative impact when considered in the context of the surrounding quarry and commercial uses. This represents betterment over the existing permitted arrangements. In addition, given that the applicant proposes to work the clay on a campaign basis in response to specific demand, rather than continuously working the permitted clay reserve, a daily restriction would limit the potential impacts and the ability of the applicant to run large volumes of material out of the site in a short space of time. This would further help to reduce any residual impacts on highway safety and local amenity.
88. Conditions 4 and 7 of the extant permission require the access road to be maintained in a good state of repair and kept clean and free of mud and other debris and that wheel and chassis cleaning equipment shall be installed for the duration of operations on site. The submission proposes the installation of a wheel bath and shaker operating in series, as shown on the 'Schematic Working Plan' (Page C1.5). The access road within the site is long and would be maintained. The operator would collaborate with Borough Green Sand Pits over the provision of regular road sweeping of the industrial estate roads.
89. Both Highways England and Kent Highways and Transportation have commented on the scheme raising no objection. Highways England estimates that the proposed

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activity would generate approximately 6 movements (3 in / 3 out) per hour and confirms that this level of impact would not materially affect the safety, reliability and / or operation of the Strategic Road Network (SRN).

90. The submission includes details of signage in accordance with condition (6) of TM/02/2663/MR97 that would be displayed at the site gate so that exiting hauliers are reminded of the condition in place regarding the routing of traffic left out onto the A25. A condition restricting daily HGV movements to 58 (29in/29out) on Monday to Friday and 30 movements (15in/15out) on Saturdays could be imposed on any approval notice. The conditions imposed on the extant permission would continue to apply, including those relating to highways and access.
91. Taking into account the extant planning permission, the nature of the proposals and the recommendations of both Highways England and Kent Highways and Transportation, subject to the consideration given to geotechnical matters below and the conditions recommended above, I am content that the submitted details would accord with Development Plan and Government Guidance set out above where they relate to highway matters and that there are no material planning considerations that would justify a recommendation otherwise.

Interim Restoration (Landscape / visual impact / ecology)

92. The quarry site is located approximately 300m south-east of the Kent Downs Area of Natural Beauty within the open countryside. The M26 motorway forms the northern boundary with open countryside / farmland and further quarrying activities forming the surrounding land uses. The quarry includes open farmland, several wooded areas, including areas of ancient woodland, small lakes and ponds and the partially restored quarry area.
93. Paragraphs 127 and 170 of the NPPF, policies DM1 and DM2 of KMWLP, CP6 and CP14 of TMBC CS, SQ1 of TMBC MDE and LP11, LP12 and LP14 of the draft TMBC LP all seek development that is sympathetic to local character and landscape setting by protecting and enhancing the natural and local environment, including AONBs. The protection afforded AONBs extends to the wider setting of the designation, which would include the application site.
94. As indicated above, the principle of the quarry area, allowing extraction of clay and sand reserves below, is already established, accordingly so is the landscape / visual impact of the development which would continue to take place below surrounding ground levels. Notwithstanding, part of the current submission seeks to address conditions (2a), (8) and (22) that provide for the interim restoration of the quarry. Due to the depth of working in the open 'blue' area of the quarry and the angle of slope created it is not possible to implement an acceptable interim restoration scheme without using material and land within the unworked 'yellow' area. This is needed to deliver the shallower slopes required to use the land for the agreed agricultural afteruse. The partially worked 'blue' area of the quarry has been left open for 10 years and it would be undesirable to leave the unrestored quarry area for a continued extended period. The conditions imposed on the extant permission allow for the possibility that the site could be partially worked and lie dormant for a period. The requirement for interim restoration allows for this and seeks to ensure an acceptable landform is created. This approach does not sterilise the permitted mineral reserves,

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which could be worked at any point up to 2040. The provision of an interim restoration scheme ensures that the visual impact of an open quarried area is removed from the landscape until such time as a decision on the viability of the remaining mineral reserve can be made.

95. In its current condition the open quarry area could not be returned to an agricultural use; the current landform would make the area unusable. The proposed clay extraction would enable part of this material to be used to reprofile the eastern parts of the quarry that have not been restored. The remainder of the extracted clay (187,000m³), that needs to be worked to re-profile the north and western boundaries of the existing extraction, could then be exported for sale as part of land reclamation work.
96. The applicant states that the volume of clay reserve identified to achieve the restoration could be worked over a period of two to three years if worked continuously within the restrictions of the extant planning permission, including the limit on HGV numbers. However, the intention is for the site to open to service specific contracts, rather than being open daily to the collection trade. The rate of working would depend on demand and the ability to secure the necessary contracts. Whilst this will take longer to achieve the restoration, the approach would be considered more sustainable by ensuring the material is used for specific engineering projects rather than as more general fill material. The approach would also serve to reduce highway and amenity impacts by spreading them out over a longer period reducing the intensity of the permitted activity.
97. As indicated above, the revised landform to create the 1 in 8 slopes on site would involve additional land take from the unworked "yellow" area of the permitted quarry. This work would result in the removal of two semi mature trees and several hedgerows that currently divide up the farmland. There are also 4 ponds within the identified area, 3 are within the base of the open quarry and were formed due to the topography of the base. The fourth is an ephemeral pond overshadowed by scrub that dries out annually. The base permission establishes the principle of the loss of these features; however, conditions (8) and (22) require the details of the impacts and suitable mitigation to be provided as part of a revised working scheme. The submission allows for the stripping and temporary storage of top soils during extraction. The proposals also include an interim restoration scheme (alongside the aftercare scheme required by condition (27), as amplified by a technical briefing note). This provides for replacement habitat to compensate for losses resulting from extending the extraction area. The replacement planting proposed includes new diverse native hedgerow planting (200m), areas of tree and shrub planting (approximately 1.6ha) and the restoration and enhancement of the large pond at the base of the quarry. Please see attached 'Planting Plan' (Page C1.6).
98. The County Council's Landscape Consultants (Amey) and Ecological Advice Service have commented on this aspect of the development specifically. Amey made several initial recommendations relating to the enhancement of the open water proposed; the replacement of Ash trees with suitable native alternatives; advice on soil handling; and requested provision of a site clearance plan. These matters are addressed within the supplementary 'Technical Briefing Note' prepared by the applicant, which Amey has now considered confirming the additional information addresses the initial comments and subsequently raises no objections. Amey concludes that the overall proposal to

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create gentle slopes and contours no steeper than 1 in 8 is appropriate in the landscape and would reflect the local topography. The Ecological Advice Service confirm that it is satisfied that the proposals as amended and recommend that the arrangements are implemented as proposed.

99. I am satisfied that the landform proposed would be within the confines of the area permitted for extraction under permission TM/02/2663/MR97 and would achieve a shallow sloping landform that would be more in accordance with the gently undulating landscape that surrounds the quarry. The landform would also help to secure its agricultural use, which would further help to integrate the site with the surrounding landscape character. The proposals also include suitable replacement habitat and landscape planting that would adequately compensate for and enhance the habitat lost as a result of the land forming work proposed. Subject to the development being carried out in accordance with the proposed drawings and aftercare arrangements, I am content that the proposed schemes would be in accordance with the relevant Government guidance and Development Plan Policies relating to landscape, visual amenity and ecology.

Geotechnical

100. Paragraph 170 of the NPPF seeks development that enhances the natural and local environment by, amongst other matters, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 178 requires development to be located on a site that is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Policy DM12 of KMWLP seeks development where it can be demonstrated that it will not result in land instability.
101. The submission seeks approval to work part of the unworked 'yellow' area of the quarry to achieve interim restoration slope angles into the existing quarry. This would reduce the slopes from 1 in 3 or steeper on unrestored working faces to create 1 in 8 slopes. This work would require extraction and landscaping within the 'yellow' area and a small amount of work to remodel the north-west corner within the restored 'green' area. Whilst the operation would extend the permitted quarry area, the proposals would allow working relatively close to the northern boundary shared with the adjacent M26 motorway.
102. Initial comments received from Highways England noted the proximity of the development to the westbound carriageway of the M26. Due to this Highways England sought reassurances over the potential for the changes to the landform to impact on land stability close to the motorway. In response to these comments the applicant provided further supporting information and met with Highways England on site to review the arrangements proposed. The details submitted provided further evidence that the proposed work would have no detrimental impacts on either short- or long-term slope stability. This included reducing the slope height adjacent to part of the northern boundary with the motorway and in so doing diverting a significant proportion of surface water runoff away from the motorway. The arrangements would retain an existing land drain within the slope facing the motorway, which would be maintained / reconnected as part of the proposed work.

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103. Further to this additional work, Highways England confirmed that it is content that the arrangements are acceptable and would not present a risk to highway safety. The proposed landform seeks to create slopes with an angle of 1 in 8, which would increase the stability of the landform that currently exists, which features much steeper slope angles in some instances. The proposed landform would be stable enough to facilitate the integration of the land back into an agricultural use for the interim, whilst the site owner considers the options available to work the remaining permitted mineral reserve.
104. Given the latest comments from Highways England and that the reason for the proposals are in part to secure more shallow slope angles, which are inherently more stable, I am satisfied that the development proposed would not represent a risk to ground stability and would be in accordance with Development Plan Policies and Government guidance on this matter.

Local Amenities (Noise and dust)

105. Paragraph 205 of the NPPF requires that great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, mineral planning authorities should, amongst other matters,
- ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health, and consider the cumulative effect of mineral sites in a locality;
 - ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
106. Policy DM11 of the KMWLP requires development that is unlikely to generate unacceptable adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 further seeks development that does not result in an unacceptable adverse, cumulative impact on the environment or communities.
107. The extant planning permission as reviewed by the ROMP decision TM/02/2663/MR97 imposes several controls that seek to ensure the impact of the permitted quarrying activity does not have an unacceptable impact on local amenity. The conditions imposed on the above permission include:
- HGV movements restricted to combined total of 320 movements (160 In / 160 Out) per week;
 - No extraction within remaining undisturbed areas of the permitted quarry until working, restoration and aftercare schemes are submitted;
 - No materials imported;
 - Operations between 0700 to 1800 hours Monday to Friday and 0700 to 1300 hours on Saturdays; no operations at other times without approval;
 - Noise controls – maximum of 55dB_{LAeq 1h (free field)} at nearest sensitive properties, with exception of temporary operations up to 8 weeks a year not exceeding 70dB_{LAeq} (including site setup, overburden stripping, bund formation and restoration).

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108. In addition to the extant conditions, the applicant has volunteered an additional highway control further restricting HGV movements to a maximum of 58 (29in/29out) on Monday to Friday and 30 (15in/15out) on Saturdays. This would help to reduce any cumulative impact from the number of HGVs by spreading the potential impacts more evenly.
109. The submitted details do not propose to alter the permitted development in terms of the quarry's scale, nature or intensity of the use originally permitted. On this basis the proposals would not materially alter the potential impacts on local amenities. The closest residential properties to the operational areas would be at the closest point 250m to the east and 340m to the south. There are a couple of properties adjoining the industrial estate access road to the south. The concerns raised by a local resident may be due to the time the quarry has been dormant (10 years) and perception that any development undertaken now would have negative impacts on the area.
110. The Environment Agency has considered the submitted details and raised no objections. The County Council's Noise, Air Quality and Odour technical specialists (Amey) have also considered the submission and are satisfied that the impacts on noise air quality or dust would be adequately control by the existing conditions and that the operations proposed on site would not significantly alter the development to warrant further assessment or mitigation.
111. Given that no objections have been received from the statutory or technical consultees to the submission on amenity grounds and that the existing conditions imposed on the extant permission would continue to apply, I am satisfied that the proposals would not have an unacceptable impact on local amenities. I therefore recommend that the development is in accordance with the relevant Development Plan Policies and that there are no other material considerations that would indicate a decision should be taken otherwise.

Groundwater / surface water flooding

112. Paragraph 170 of the NPPF requires development to contribute to and enhance the natural and local environment by, amongst other matters, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.
113. Policy DM10 of the KMWLP requires mineral or waste development that does not: result in the deterioration of physical state, water quality or ecological status of any water resource and waterbody; have an unacceptable impact on groundwater Source Protection Zones; or exacerbate flood risk. Policy CC3 of the TMBC MDE states that development will not be permitted if it has an unacceptable effect on the water environment, including surface water and groundwater quality.
114. The Environment Agency raises no objection to the application confirming that provided the development is carried out in accordance with the existing conditions it has no concerns about the proposed surface water drainage strategy. In its response the EA draws attention to the requirements of condition 1(c) of the extant permission which requires no extraction below a depth of 79.04m AOD, unless further survey work

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and a working scheme is submitted and approved that demonstrates that at least 2m of undisturbed mineral is retained above groundwater levels. The application does not propose to increase the existing depth of the open quarry, which is currently around 82mAOD. Other groundwater protection measures are also imposed under conditions 16 and 17 relating to operation of plant and machinery and storage of oil, fuel and lubricant. The EA also advise if site won waste is used in the restoration that that the development is likely to require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016, unless the operations meet certain exemption criteria. Kent Flood and Water Management raise no objections and confirm the site is deemed as a low risk development with regards to flooding.

115. The north-west section of the proposed operational areas included within the interim restoration scheme overlie a Groundwater Source Protection Zone 2, which seeks to protect potable water. The development involves extraction and regrading of the land within the clay layer that overlies the sand resources. Despite involving the extraction of 214,000m³ of clay the landform would remain within the clay layers, well above the approve depth of excavation. This would therefore preserve the protection afforded any underlying water resources and would not significantly change the existing arrangements in this regard. The quarry base would remain as exposed clay and would therefore hold water for part of the year and act as a basin for the surface water run-off from the quarry slopes.
116. The development would extend the catchment of the extracted area and as such is unlikely to impact on flooding outside the site as more runoff would be channelled into the low-lying areas within the quarry void. The extant proposals allow for the creation of a balancing pond / ephemeral open water at the base of the quarry with surface water draining to the sand layer below at the lowest point. The management plan proposed includes planting at the base of the working with water tolerant species.
117. Given the EA and Kent Flood and Water Management's comments on the application, I am satisfied that the proposals would accord with the Development Plan Policies and Government guidance in relation to groundwater and surface water protection and surface water flooding.

Rights of Way

118. Paragraph 98 of the NPPF states planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Policy DM14 of KMWLP requires that development is only granted if a satisfactory diversion of any Public Right of Way (PROW) that is both convenient and safe can be secured.
119. Several public rights of way cross the wider quarry site and would need to be considered in more detail should the entire site be worked in future. However, in the context of the current submissions, Restricted Byway MR247B would be directly impacted by the work to reprofile the slopes to the west of the open quarry. The work would result in the interruption of this route and given the restoration is at a lower ground level, it would impact on the future gradient of the route as it crosses the site.
120. Kent Public Rights of Way (Kent PROW) have been closely involved with the consideration of these details, initially raising a holding objection whilst the approach

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to diverting the Byway was considered further. Kent PROW's policy when negotiating over changes / impacts from development on a right of way is to ensure that any replacement provisions are as suitable as those being impacted and where possible represent an improvement. In the context of the current submissions Kent PROW consider that the changes to the gradient that would impact on the original route of Byway MR247B would be considered unacceptable as this would potentially make the route less attractive to pedestrians and horse riders. Further to these concerns, a revised route was negotiated to provide a Bridleway that follows the edge of the slope created by the proposed landform; thereby keeping the route at a similar level to the existing arrangements. Kent PROW are content to recommend a potential downgrade of the route from a Restricted Byway to a Bridleway on the grounds that the Restricted Byway designation is historic (potentially predating construction of the motorway (M26)) and cannot be accessed by horse drawn carriages or other permitted vehicles. This section of Byway is accessed from the south by a footpath leading through the Platt Industrial Estate and immediately to the north by a Bridleway that crosses the motorway via a dedicated bridge. Neither route would allow wheeled traffic wishing to use the section of Restricted Byway to reach it without breaching the restrictions imposed on the adjacent routes. It is on this basis that an alternate arrangement has been agreed in principle.

121. However, any changes to the right of way network are subject to approval under separate legislation and an application to formally divert the route is now being considered by Kent PROW. This separate process is likely to take some time to complete and cannot be guaranteed with any disputes potentially being referred to the Secretary of State to resolve. Currently an application has been lodged to divert the route as shown in the attached 'Schematic Working Plan' (Page C1.5). In the interim Kent PROW are content to raise no objections to the changes proposed, subject to a condition securing no work to take place in phases 2 and 3 nor impacting on the route of Byway MR247B until the diversion to the right of way is legally confirmed and the revised route provided. As a result of negotiated changes to the diversion several of the submitted drawings would need to be updated if permission is granted to reflect the agreed route. I am content that these updates would not materially alter the provisions shown in the drawings included on Pages C1.5 and C1.6 and can be secured by way of a suitably worded condition.
122. Taking the above considerations into account, I am satisfied that, subject to a condition securing the arrangements described above, the proposed development would be in accordance with Development Plan Policies relating to Public Rights of Way and there are no material planning considerations that indicate recommending otherwise.

Aftercare Scheme (Condition 27)

123. As indicated above, paragraphs 127 and 170 of the NPPF, policies DM1 and DM2 of KMWLP, CP6 and CP14 of TMBC CS, SQ1 of TMBC MDE and LP11, LP12 and LP14 of the draft TMBC LP all seek development that is sympathetic to local character and landscape setting by protecting and enhancing the natural and local environment, including AONBs.
124. In addition, paragraph 205(e) of the NPPF seeks the provision for restoration and aftercare of mineral extraction at the earliest opportunity, with work to be carried out to

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high environmental standards and secured through appropriate conditions. Policy DM19 of the KMWLP requires mineral development to make provision for high standards of restoration and aftercare, such that the intended after-use of the site is achieved in a timely manner. This includes appropriate land forming and landscaping, soil management, drainage arrangements, biodiversity gain, suitable planting of native species, long-term management and aftercare plan and restoration to an agricultural after use.

125. The 'Interim Restoration' section included above concludes that the proposed scheme to restore the mineral extraction that has taken place to date is considered acceptable. The details submitted also include a Five-Year Aftercare Scheme pursuant to condition (27) in relation to the proposed scheme. This includes annual management requirements relating to planting including maintenance of the ephemeral pond and tussock grassland, hedgerows and woodland and scrub planting. The scheme requires detailed site records of the programme and annual site meetings between the landowners and the Mineral Planning Authority during the aftercare period to review performance and agree a detailed programme of works for the following year.
126. Both Amey (Landscape) and the County Council's Ecological Advice Service have reviewed the arrangements proposed and raise no objections to the scheme as amplified by the additional technical briefing note. Considering the above, I am content that the aftercare scheme complies with the requirements of condition (27) and relevant Government guidance and Development Plan Policies. Condition (27) subsequently requires the scheme to be implemented as approved.

Woodland Management Scheme (Condition 24)

127. An initial woodland management plan was approved pursuant to condition (24) of TM/02/2663/MR97 in September 2004. This scheme provided for a 10-year management plan that mainly focused on Firemanshaw Wood (to the east). An updated scheme was submitted in 2014, however this was never approved and at the time officers recommended a replacement as opposed to an updated proposal. The Woodland Management Scheme received with the current submission has been prepared based on an up to date ecological baseline survey and taking account of officer's earlier recommendations. The plan covers a period of 10-years 2018-2028, seeking to enhance the ecological value of the woodland by improving native species diversity, enhanced structural and habitat diversity, and maintain landscape character and amenity. The scheme divides the woodland, which runs along the eastern boundary of the site and access road, into 5 compartments detailing management and enhancement measures for each. The management plan includes a commitment to monitor progress and report results to the Mineral Planning Authority.
128. Amey (Landscape) recommend that the Woodland Management Plan for Firemanshaw Wood is appropriate to meet the stated objective of enhancing the ecological value of the existing woodland. KCC Ecological Advice Service confirm that the scheme is appropriate and implementable and make several suggested enhancements that have since been provided to the applicant for information.
129. Taking account of the comments received from consultees, including KCC Ecological Advice Service and KCC's Landscape Consultants, I am content the scheme received,

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as amplified and amended by the further technical briefing note satisfies the requirements of condition (24) and relevant Development Plan Policies.

Archaeological Watching Brief (Condition 30)

130. Paragraph 189 of the NPPF states where a site has potential for heritage assets with archaeological interest consideration should be given to field evaluation where necessary. Policies DM5 and DM6 of the KMWLP require archaeology to be investigated and conserved in a manner appropriate to its significance.
131. A written scheme of archaeological investigation received pursuant to condition (30) provides for an archaeological watching brief covering the additional excavation proposed. This seeks to ensure that items of interest and finds are recorded. The watching brief has been prepared by Archaeological South-East (ASE) in close reference to Kent's standard specification and relevant Chartered Institute for Archaeologists procedures. The Historic Environmental Records and previous investigations carried out on nearby sites suggest that the locality has the potential for prehistoric, Romano-British and post medieval periods remains to be encountered.
132. The County Archaeological Officer raises no objections to the written specification of archaeological works received. The comments draw attention to the fact that there have been a number of previous archaeological discoveries within the vicinity, including relating to Palaeolithic and Mesolithic, Late Iron Age and Romano-British activity. The comments highlight that the condition should not be considered to have been fully complied with until the on-site works have been completed, a report on the findings has been submitted and approved, and agreement has been reached for the publication (if required) of the results, in accordance with the written specification. The Archaeological Officer recommends that the applicant might wish to consider carrying out strip, map and sample investigations within previously undisturbed land ahead of the main operation to prevent delays during restoration work should important archaeological remains be encountered.
133. Given the above recommendation, I am content that the scheme received would ensure that any features of archaeological interest encountered would be properly examined and recorded, thereby meeting the requirements of condition (30) and the Development Plan policies and Government guidance referenced above relating to heritage assets.

Other Considerations

Future Phases of Working

134. Planning permission TM/02/2663/MR97 allows for the working of clay and sand reserves within the redline area highlighted by the plans attached above. As discussed, the permission allows for the development to be implemented in phases allowing mineral extraction up until 2040, subject to several conditions and controls. The current submission relates to securing an interim restoration scheme of the area worked to date in accordance with the planning permission and includes some additional clay extraction. This is of importance given the time the quarry has been dormant. If granted the proposals would secure the restoration of the site. However, should the landowner subsequently decide to work the remaining permitted reserves,

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clay and/or sand, further details would need to be submitted pursuant to the above-mentioned conditions to seek further approval for the method of working, archaeological works and revised restoration / aftercare requirements.

Borough Green Gardens

135. Concern has been raised by the Parish Councils regarding the implications of Borough Green Gardens (a major housing development being promoted in the emerging TMBC LP) on the working of the quarry and the potential for the permitted mineral reserves to be sterilised should planning permission for the housing development be granted. In the context of this application, as indicated above, the proposals allow for an interim restoration scheme and would not result in the sterilisation of any reserves. The scheme is proposed in accordance with the planning permission, which was drafted to allow for the possibility that the site may not be worked in one continuous phase. This is partly due to the uncertainty over the viability of the permitted reserve in the context of a changing market for clay as an economic mineral asset. The requirement to provide for interim restoration seeks to ensure that the site does not remain partially worked for an extended period.
136. The Borough Green Gardens proposals are being promoted through the draft TMBC Local Plan which has not yet been subject to examination by the Planning Inspectorate. The emerging Local Plan therefore does not form part of the Development Plan and should be afforded little weight at this time. The Inspector will need to consider the potential for sterilisation of mineral reserves resulting from the Borough Green Gardens proposals at the Local Plan Inquiry. In addition to which the matter would also need to be considered by Tonbridge and Malling Borough Council should any individual planning applications for alternate development be received on this or any of the surrounding mineral sites. The above considerations would need to take account of policy DM7 of the KMWLP which safeguards permitted mineral reserves, subject to a number of conditions and would only allow the sterilisation of the resources if, amongst other conditions: it can be demonstrated that extraction of the mineral would not be viable or practicable; the need for the new development overrides the presumption for mineral safeguarding; or constitutes development on a site allocated in the adopted development plan. Members should note that the County Council's emerging Early Partial Review of the Minerals and Waste Local Plan proposes changes to the Mineral Safeguarding Policy DM7. The proposed development would not be in conflict with these emerging changes.

Conclusion

137. The planning submission received seeks approval of details of an interim working and restoration scheme for the (partly worked) quarry area within Park Farm Quarry. The void created by extraction work undertaken to date has remained open, dormant and unrestored for some 10 years. To achieve an acceptable restoration landform the working scheme proposed requires extraction of unworked clay reserves for use in restoring the eastern quarry slopes and to create a useable and appropriate landform that would enable an agricultural after-use. As part of the further extraction proposed additional archaeological and aftercare requirements are included pursuant to the extant planning permission. The submission also includes a separate Woodland

Details pursuant to conditions 2b, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97 at Park Farm Quarry, Platt, Borough Green - TM/02/2663/MR97/R

Management Scheme for Firemanshaw Wood to the east of the permitted quarry area pursuant to condition (24).

138. The consideration set out above establish that I am content that the details received address the submission requirements of conditions 2b, 22, 8, 24, 27 and 30. The proposals would secure the necessary restoration of a site that has remained open and unworked for a significant amount of time. This would ensure that the land is returned to an effective after-use as soon as possible and would allow the landowner time to consider the approach to working more of the quarry reverses without legitimate concerns about the land remaining unrestored until 2040 or beyond. The extant planning permission establishes the principle of the activity and includes a number of controls that would ensure that any future operation of the quarry would not have an unacceptable impact on the environment or local amenities. I therefore recommend that planning approval be granted, subject to the additional conditions and informatives included below.

Recommendation

139. I RECOMMEND that the SUBMISSION BE APPROVED pursuant to the requirements of conditions 2, 8, 22, 24, 27 and 30 of planning permission TM/02/2663/MR97, SUBJECT TO the imposition of further conditions covering the following:

- Daily HGV movements limited to 58 (29 in / 29 out) on Monday to Friday and 30 movements (15 in / 15 out) on Saturdays.
- Except for archaeological investigations, no work shall take place in phases 2 and 3 nor any disturbance of the route of Restricted Byway MR247B until the diversion of this right of way is legally confirmed and the revised route provided on site.
- Updated drawings reflecting the amended route of right of way MR247B shall be submitted for approval.

140. I FURTHER RECOMMEND that the following informatives are included on any approval notice:

- The applicant is reminded that all conditions imposed on TM/02/2663/MR97 remain in force, including on-going controls / requirements under conditions 2, 8, 22, 24, 27 and 30 that are not superseded by the details hereby approved.
- The planning permission confers no other permission or consents and that any change to the PROW requires the express permission of the Highways Authority, separate from the planning process.
- Informatives recommended by the County Archaeological Officer relating to delivery of the written specification of work and subsequent reporting, and advice that the applicant considers implementing sample investigations ahead of the main excavation.

Case Officer: Mr James Bickle

Tel. no: 03000 413334

Background Documents: see section heading

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 proposals dossier for each case; and other documents as might be additionally indicated.

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Installation of a new public canoe/kayak pontoon, installation of six timber changing cubicles, upgrading of existing fishing swims/platforms and upgrading of the existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreaux, Canterbury, Kent CT3 4BP – CA/19/1046 (KCC/CA/0108/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 11th September 2019.

Application by Kent County Council for the installation of a new public canoe/kayak pontoon, installation of six timber changing cubicles, upgrading of the existing fishing swims/platforms and upgrading of the existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreaux, Canterbury, Kent CT3 4BP – CA/19/1046 (KCC/CA/0108/2019)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr M Northey

Classification: Unrestricted

Site

1. Grove Ferry Picnic Site is located to the south of the A28 Island Road, on Grove Road, 6 miles north-east of Canterbury, between the villages of Upstreet and Grove Hill. The Country Park is one of Kent County Council's Country Parks and covers 11 acres of open space along the southern boundary of the Great Stour River.
2. The Country Park has been open to the public as a green open space for over 25 years. The site comprises a car park, picnic area, play area, toilet block, information point and provides access to a variety of walks including the Stour Valley Walk, Saxon Shore Way and the Wantsum Walks. The Country Park is also home to a canoe hire business (Canoe Wild) and provides the public with safe and managed access to the Great Stour River.
3. The proposed position of the canoe/kayak pontoon is on the Great Stour River, with the existing fishing swims and public right of way to be upgraded located on the southern bank of the river, and the changing facility set back from the riverbank to the south. The site is adjacent to Stodmarsh National Nature Reserve which includes a Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Ramsar. A site location plan is attached.

Recent Planning History

4. Since the opening of Grove Ferry Picnic Site, it has been managed for public recreation and is a popular site, particularly during the summer months, for picnics and

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barbeques. The nearby Grove Ferry Bridge was renovated by Kent County Council in September 2000. This is close to the railway level crossing, the site of a former dismantled railway station.

5. Fishing rights were granted during the reign of King Henry II and are still available along the riverbank today from Canterbury and District Angling Association. The Grove Ferry Boat Club located on site was founded in 1964 and is home to recreation boats for enthusiasts and members.
6. The most relevant recent site planning history is listed below:

KCC/CA/0201/2010	Proposed new amenity building comprising multi-purpose room, toilets, kiosk with kitchen, storage and external landscaping Granted with conditions 8 October 2010
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Proposal

7. This planning application seeks permission for the installation of a floating T shape public canoe/kayak launch pontoon on the Great Stour River at Grove Ferry Picnic Site. The proposed pontoon is located behind the existing flood embankment on the southern bank of the Great Stour River, north of the existing car park and canoe hire building. The proposal aims to provide safer access to the river, and actively encourage sports tourism and outdoor activity.
8. The pontoon would be a floating platform, 9 meters in length and 2 metres in width, made up of 3-metre-long low-density polyethylene modules of a neutral colour with non-slip surfacing. The pontoon would have an attached gangway access and be secured to the bankside by 2 galvanised steel poles that allow the pontoon to rise and fall with changing water levels. The installation of the pontoon would not involve any excavation of the river bankside but would require some vegetation cutting.
9. Secondly, the application seeks permission for the construction of six wooden privacy changing cubicles next to the existing canoe hire building, set back from the southern boundary of the Great Stour River and proposed pontoon. This would provide appropriate facilities for the public, providing canoeists with private changing facilities and preventing changing in the toilets.
10. The changing facilities would be of timber construction set on a hardcore base with paving slabs to aid the general hygiene of the area. The cubicles would be approximately 2.1 metres in height, with a floor area approximately 2 metres by 2 metres, with the exception of cubicle 1 (family changing room) being 4 metres by 2 metres. The cubicles would be covered by a polycarbonate roofing with a slight fall to keep visitors dry and this would not extend over the hardstanding area outside the cubicles.

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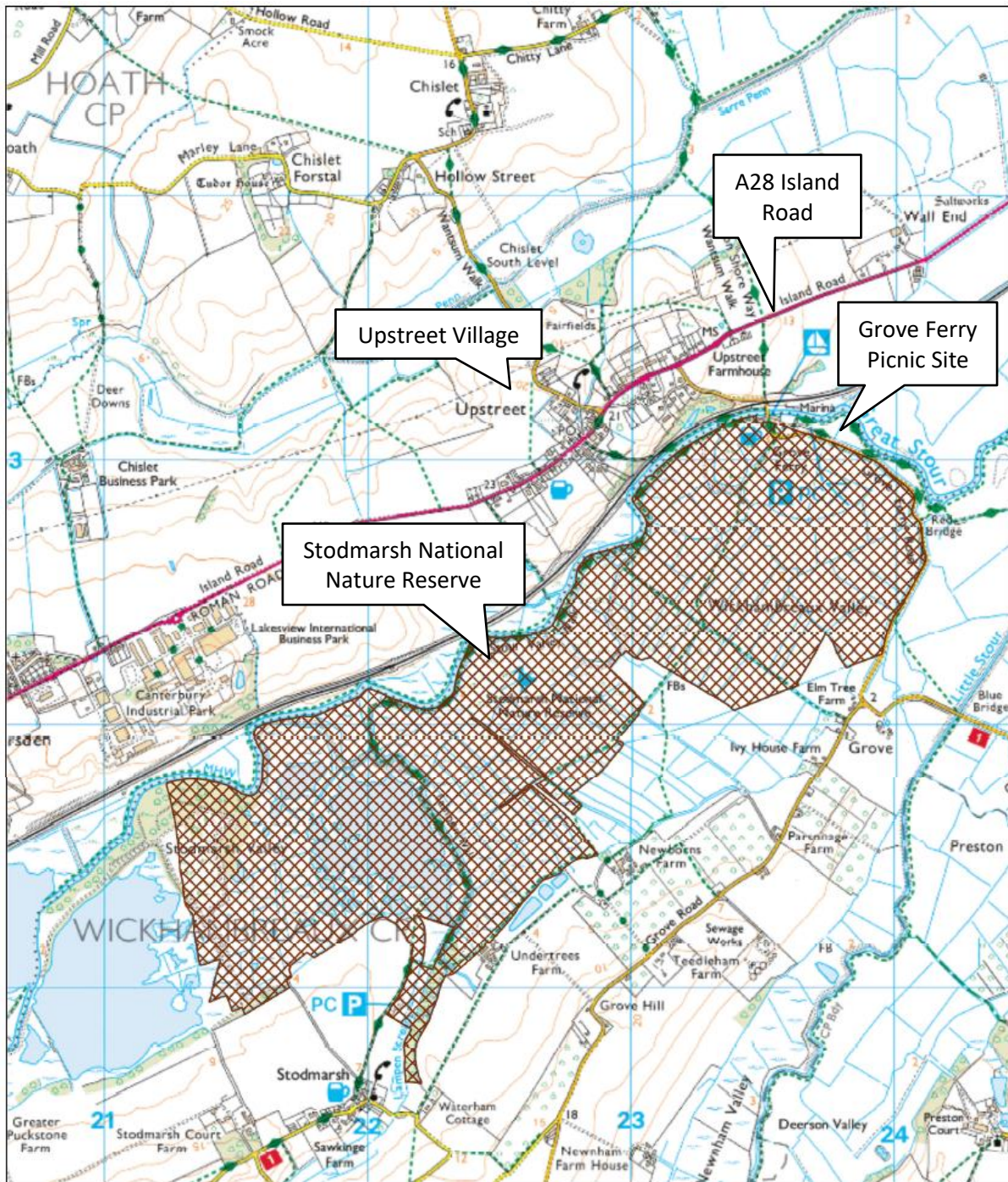
Installation of a new public canoe/kayak pontoon, installation of six timber changing cubicles, upgrading of existing fishing swims/platforms and upgrading of the existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreaux, Canterbury, Kent CT3 4BP – CA/19/1046 (KCC/CA/0108/2019)

11. Thirdly, the application seeks permission for the improvement of 7 existing fishing platforms, including the disabled access fishing platform, which are situated along the southern bank of the Great Stour River, to the west of the proposed pontoon. This would involve improving the existing structures for improved user safety and convenience by removing the existing sleepers and replacing them with new sections of timber. This would provide a safer and better-quality fishing experience particularly for disabled visitors of the Canterbury and District Angling Association fishing club.
12. Finally, the application seeks permission for the upgrading of part of an existing public right of way (CB531) from the carpark to the riverbank, enabling disabled visitors to access the natural river environment and providing safer access to the riverside, fishing swims and proposed canoe/kayak pontoon.
13. The footpath upgrading would involve resurfacing the existing grassed path to a 1.5 metre width stone path with a 'fines to dust' surface that would be in keeping with the surroundings and suitable for the soil type.


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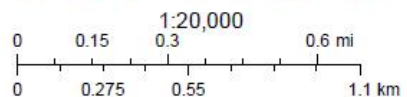
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Site Location Plan



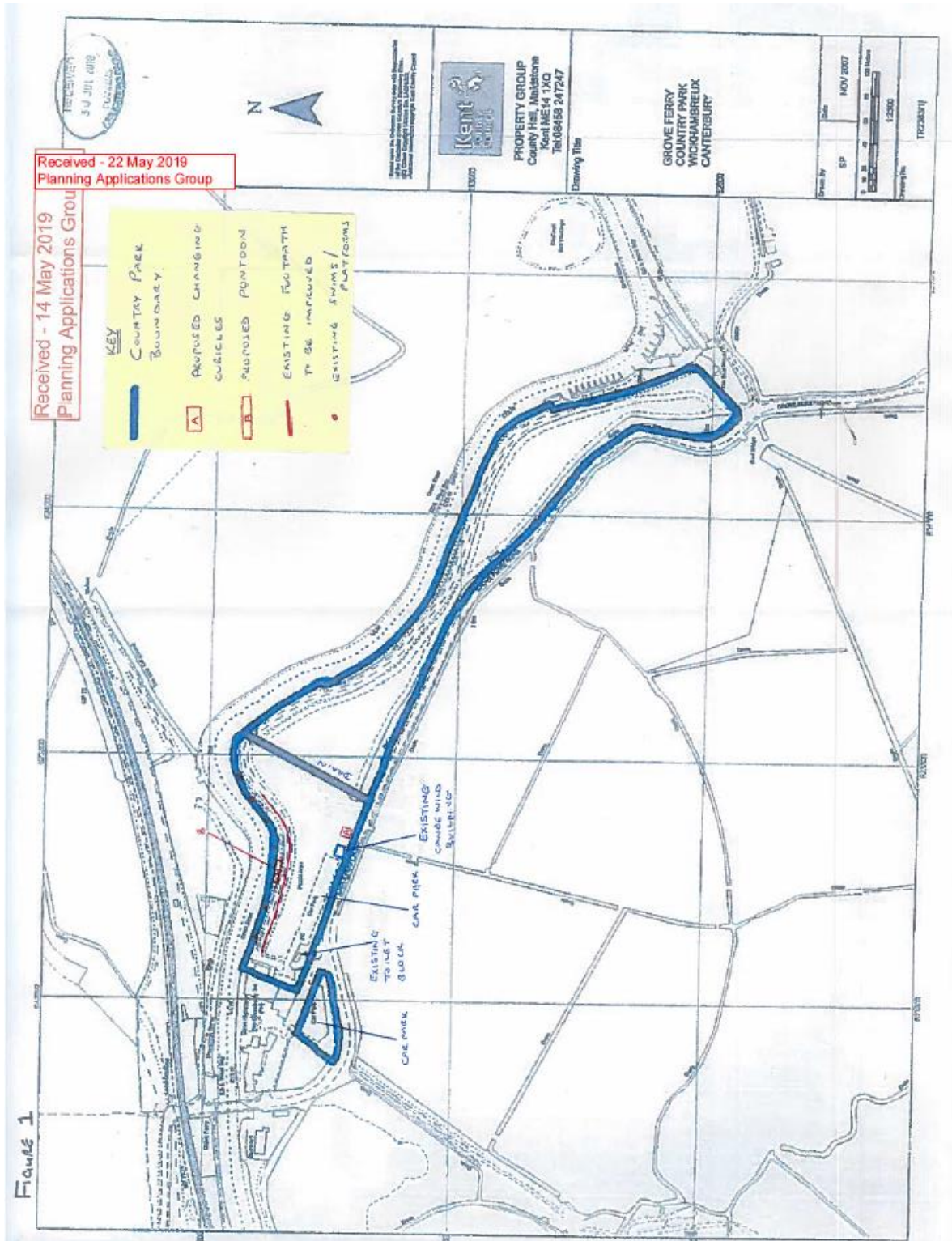
August 21, 2019

 National Nature Reserves (NNR)



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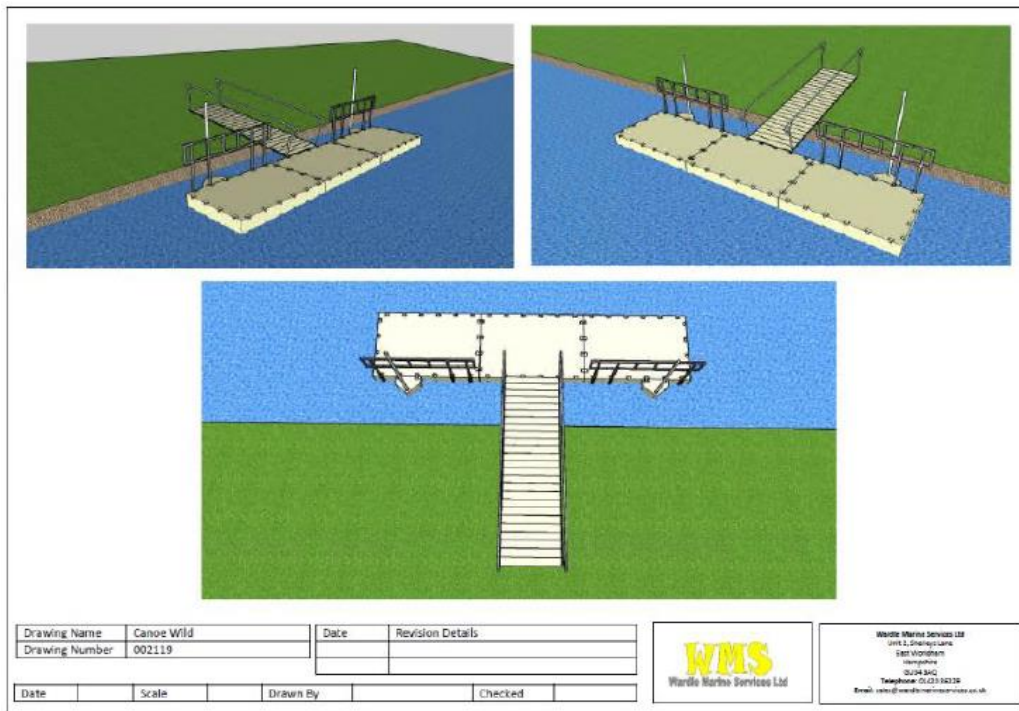
Site Location Plan



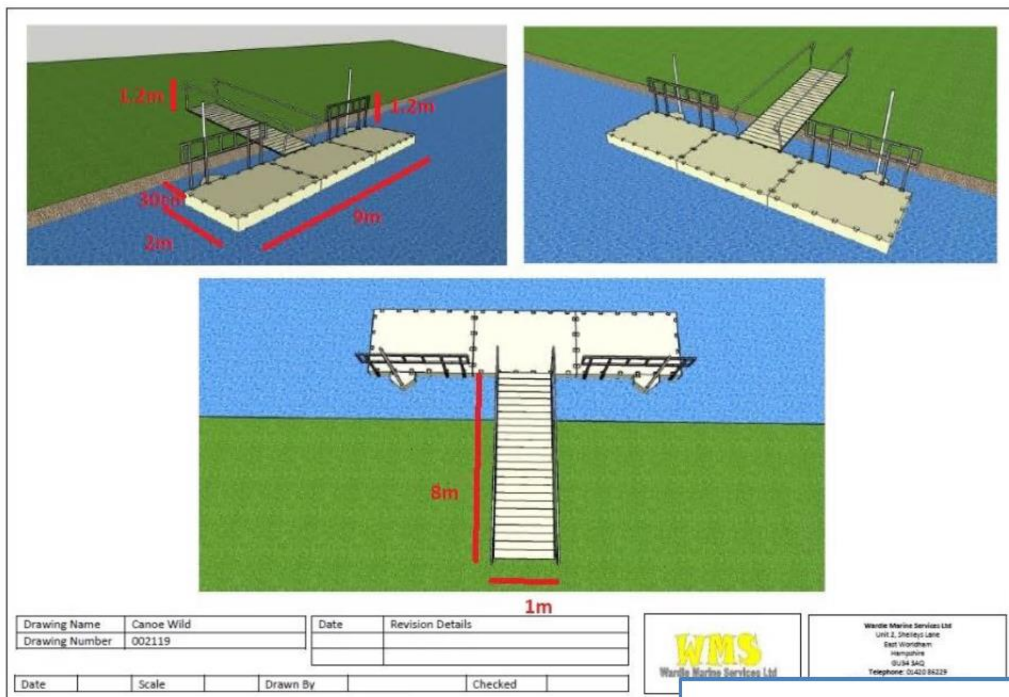
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Proposed Pontoon



Proposed Pontoon Measurements



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Indicative photograph of the pontoon as proposed



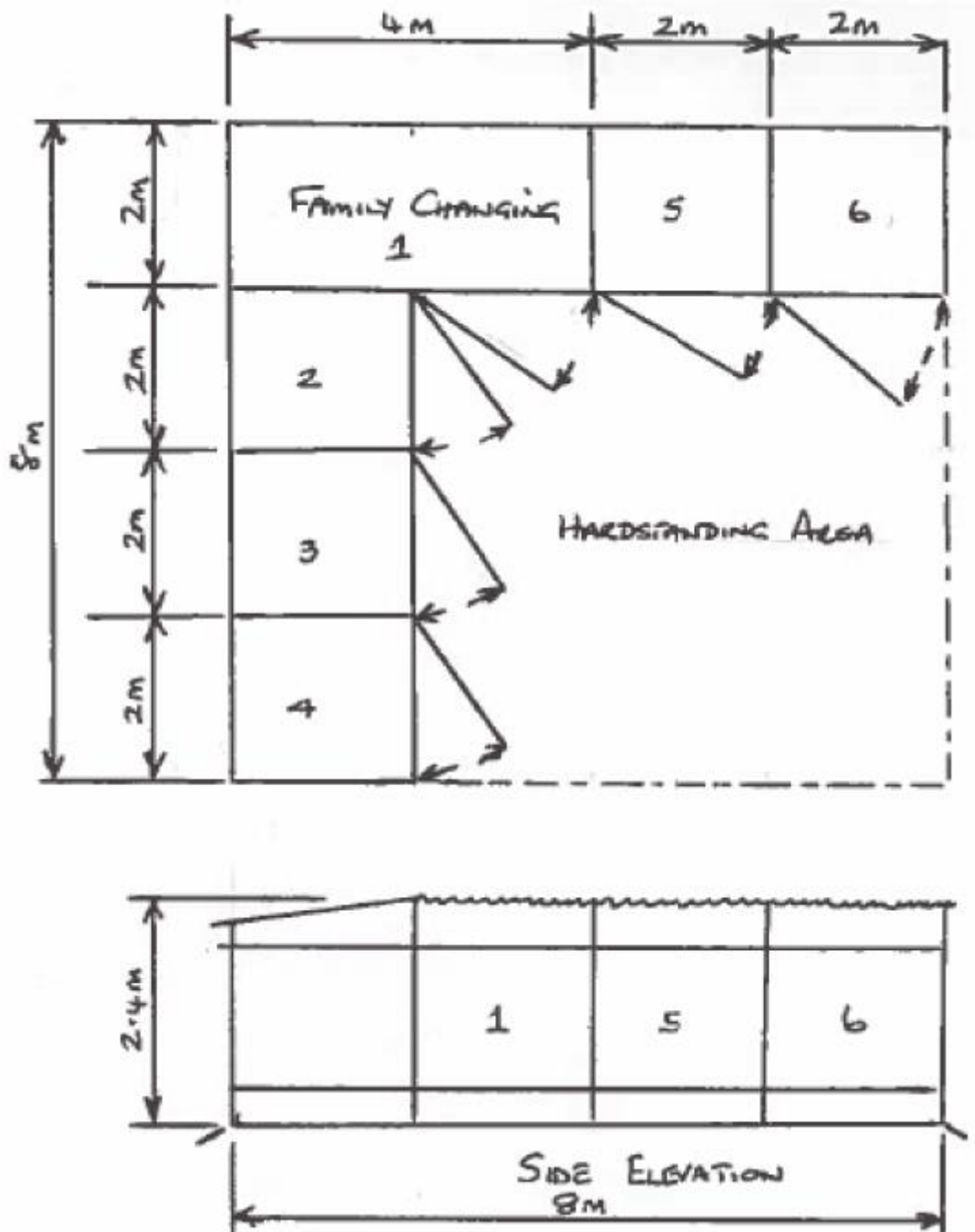
Indicative photograph of the changing cubicles proposed



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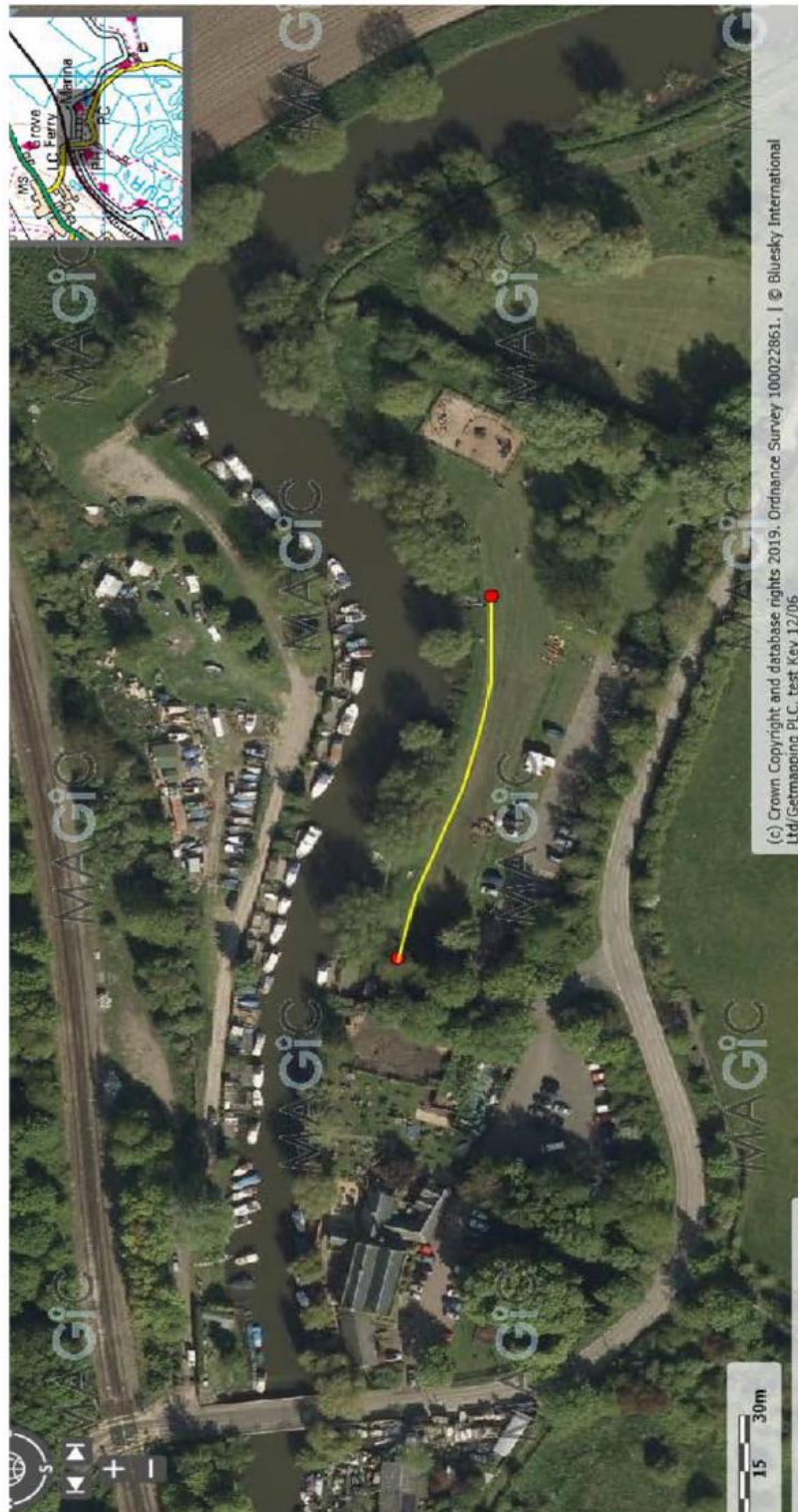
Proposed Changing Facilities



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Location of Footpath to be Resurfaced



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Planning Policy

14. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:

- (i) **National Planning Policy Framework (NPPF) February 2019** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Ensure that planning policies and decisions provide the social, recreational and cultural facilities and services the community needs, by planning positively for the provision and use of shared spaces and community facilities such as sports venues or open spaces to enhance the sustainability of communities and residential environments;
- Conserving and enhancing the natural environment, including protecting and enhancing valued landscapes; and
- Ensure that planning policies and decisions should aim to achieve healthy, inclusive places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs through the provision through the provision of sports facilities.

- (ii) **Canterbury District Local Plan (July 2017)**

Policy SP1

Sustainable Development

This states that when considering developments, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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- Policy T2 Pedestrian and Cycle Routes**
This states that land will be safeguarded for the pedestrian and cycle routes, as shown on the proposals maps.
- Policy TV7 Rural Tourism**
States that environmentally focused tourism initiatives with a primary focus on experiencing natural areas that foster environmental and cultural understanding, appreciation and conservation is encouraged.
- Policy TV8 Rural Tourist Accommodation, Attractions and Facilities**
States that rural tourism must be developed and managed in a sustainable way ensuring that the character of the countryside and the asset on which popularity depends is not destroyed. The Council will support tourism initiatives which are appropriate in nature and scale to their rural surroundings.
- Policy DBE1 Sustainable Design and Construction**
States that all development should respond to the objectives of sustainable development. Development schemes will be required to incorporate sustainable design and construction measures to show how they respond to the objectives of sustainable development.
- Policy DBE3 Principle of Design**
This policy states that the distinctive character, diversity and quality of the Canterbury District will be promoted, protected and enhanced through high quality, sustainable inclusive design, which reinforces and positively contributes to its local context creating attractive, inspiring and safe places. It goes on to list 15 considerations that proposals for development which are of a high-quality design must take into account which include things such as the setting and context of the site, visual impact on the skyline, conservation, landscaping and movement of pedestrians, cyclists and cars.
- Policy DBE8 Public Open Space**
States that the management and maintenance of public open space shall be continued long term and create opportunities for wildlife habitats and corridors where appropriate. It is also expected that development incorporate public rights of way and the creation of a connected open space.
- Policy LB9 Protection, Mitigation, Enhancement and Increased Connectivity for Species and Habitats of Principal Importance**
This policy states that all development should avoid a net loss of biodiversity/nature conservation value and actively pursue opportunities to achieve a net gain, particularly where there are wildlife habitats/species identified as Species or Habitats of Principal Importance; there are habitats/species that are protected under

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wildlife legislation; or where the site forms a link between or buffer to designated wildlife sites.

Policy LB13

River Corridors

States that both new development and redevelopment should minimise flood risk and enhance river and the riverside environment. The environment within river corridors and river catchments, including the landscape, water environment and wildlife habitats, will be conserved and enhanced.

Policy OS8

Sports and Recreation in the Countryside

This policy states that proposals for sports and recreation facilities in the countryside should be appropriate in scale and design, and be unobtrusively located, preferably within or adjacent to an existing settlement. Proposals should ensure no detrimental impact on landscape interests, protected species, sites or features of natural conservation or on sites of archaeological or historical importance.

Policy QL1

Social Infrastructure

This policy states that proposals for new buildings or uses for local communities to provide social infrastructure and community facilities will be encouraged and granted planning permission on the basis that any new building is appropriately designed and located, and highway safety and residential amenity would not be prejudiced.

Consultations

15. **Canterbury City Council:** Raise no objection to the proposal.

Wickhambreaux Parish Council: Raise no objection to the proposal.

Environment Agency: Removed their initial objection following review of the additional information provided.

Initially objected to the application due to not having enough information to determine whether the proposed development would meet the requirements for nature conservation and fisheries, due to no assessment of the risks being provided. The submitted planning application and associated documents indicated that works to the existing embankment along the River Stour would lead to loss of natural bank and involve encroachment into the channel. To remove the objection, an ecological survey and Water Framework Directive assessment was required prior to the development of any detailed plans, along with a Flood Risk Activity Permit.

Following the submission of a Flood Risk Activity Permit and accompanying Management System and Methods Statement, the Environment Agency reviewed the additional information provided and removed their previous objection. The Flood Risk Activity Permit has been submitted and is being assessed separately outside of the

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planning process by the Environment Agency.

KCC Highways and Transportation: Raise no objection to the proposal and state that it appears that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Public Rights of Way: Raise no objection providing that the footpath upgrading is to a 1.5 metre width stone surface with a 'fines to dust' surface on top of the type 1. This would be in keeping with the surroundings, be suitable for soil type and reduce the footpath maintenance required. The walkway to the pontoon must not obstruct the footpath CB531 at the top of the embankment and the following specification is advised:

- Clear overhanging and surface vegetation and remove from site;
- Excavate existing surface to 150mm depth. Remove and dispose of excavated material from site;
- Supply and install treated softwood timber edging 150mm x 25mm to both sides of path, secured in place with timber or metal stakes/pins;
- Supply and lay non-woven geotextile over entire width and length of path;
- Supply and lay Type 1 (passing 37.5mm sieve) to 100mm depth. Compact with vibrating roller to give a cambered surface;
- Supply and lay 15mm thickness of 4mm to dust limestone fines, compact with vibrating roller to provide a tightly compacted surface; and
- Back fill with topsoil, tidy and grass seed any disturbed surroundings to finish.

Biodiversity: Raise no objection subject to a condition requesting a method statement detailing the vegetation management measures that would be implemented to avoid and mitigate impacts to water voles and their burrows prior to the commencement of works to install the pontoon, including vegetation removal, which is to be submitted to and approved by the County Planning Authority. This would ensure that the implementation of the proposed methods sufficiently minimise the potential for ecological impacts to arise as a result of the proposed development.

KCC Biodiversity also commented that the proposed development is in close proximity to Stodmarsh Special Area of Conservation, Special Protection Area and Ramsar site, but there appears to be limited potential impact on ecological pathways. The potential for increased recreational activity within the designated sites has been considered but given that there is limited canoeing during the winter months when sensitive bird species will be present, KCC Biodiversity is satisfied that there is limited potential for impacts to arise.

Local Member

16. The local County Council Member for Canterbury South, Mr Michael Northey, was notified of the application on 24 May 2019. No views have been received to date.

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Publicity

17. The application was publicised by an advertisement in a local newspaper, the posting of 2 site notices and the individual notification of 2 residential properties.

Representations

18. No letters of representation have been received to date.

Discussion

19. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 14 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the 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. In my opinion, the key material planning considerations in this particular case relate to the siting and design of the proposed development, the acceptability of the proposed development given the impact on the Public Right of Way and impacts on local ecology, balanced against the benefits of the proposal in terms of enhanced community facilities.
20. The application has not received any letters of objection. On that basis, applications would normally be determined under delegated powers to the Head of Planning Applications. In this instance however, the application is required to be reported to the Planning Applications Committee as a result of governance conflicts arising from the applicant, Kent Country Parks, and the Planning Applications Group both being within the Environment Planning and Enforcement division of Kent CC. In these circumstances legislation requires that the decision is taken by the Planning Applications Committee even though there are no material planning objections to the proposal.
21. The application seeks planning permission for a new public canoe/kayak pontoon, the installation of six timber changing cubicles, the upgrading of seven existing fishing platforms and the upgrading of the existing footpath from the car park to the riverbank at Grove Ferry Picnic Site. The developments would provide improved community facilities within the County Park, supporting the policy objective for the provision of community facilities, enabling and supporting healthy lifestyles as set out in the National Planning Policy Framework. The developments would also enhance rural tourism and improve access to sports and recreation in the countryside, in accordance with the policies set out in the Canterbury District Local Plan (2017).

Siting and design

22. The proposed pontoon would be situated on the southern boundary of the Great Stour River, north of the existing wooden canoe hire building and car park. Located almost centrally within Grove Ferry Picnic Site, the pontoon would be located behind the existing

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flood embankment and would therefore have a limited visual impact on the Country Park and the wider environment as it would not be seen until approaching the carpark. The pontoon itself consists of 3-metre-long low-density polyethylene modules of a neutral colour and non-slip surfacing and is an acceptable design solution suitable for the intended purpose.

23. The proposed six wooden changing cubicles would be located directly next to the existing canoe hire building east of the car park, set back from the southern boundary of the Great Stour River. The changing facilities would be situated on a hardcore base with paving slabs under the changing cubicles and small paved area in front. The walls and doors of the cubicles would be of a timber construction, in keeping with the existing canoe hire building, and the roofing over the cubicles would be of polycarbonate construction with a slight fall to aid rainwater disbursement.
24. The fishing swims to be upgraded are located along the southern boundary of the Great Stour River, to the west of the proposed pontoon. The improvements would not impact on other bank areas and would involve removing sleepers and replacing them with new sections of timber. The siting and design of the fishing swims is considered appropriate and would simply involve the upgrading of existing facilities to provide a safer and improved fishing experience.
25. Overall it is considered that the siting and design of the proposed pontoon and changing facilities would accord with the NPPF objectives on design and Canterbury District Local Plan (July 2017) Policy DBE1 Sustainable Design and Construction and Policy DBE3 Principle of Design.

Highways and Public Right of Way

26. Highways and Transportation have raised no objection to the application. The development does not propose to amend the public highway or car parking facilities in any way and is therefore considered appropriate in highway terms.
27. The application seeks to upgrade the existing public right of way (CB531) from the car park to the riverbank along the top of the existing flood embankment. The footpath is currently unsurfaced and is proposed to be resurfaced to a 1.5-metre-wide stone footpath with a 'fines to dust' surface on top. The Public Rights of Way Officer has advised that this would be in keeping with the surroundings, be suitable for the soil type and reduce the footpath maintenance required. The footpath resurfacing would not lower the grass flood embankment or impact on protected species. The footpath upgrading would provide a better footpath link from the car park to the riverbank and better access to the improved facilities as part of the application.
28. The proposal is in general conformity to Canterbury District Local Plan (July 2017) Policy T2 Pedestrian and Cycle Routes. It is therefore considered that the application does not pose unacceptable impacts on transport and is considered acceptable in relation to impacts on the Public Rights of Way.

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Ecology

29. The application has been supported by the submission of a Management System and Method Statement, an accompanying document to the Flood Risk Activity Permit submitted to the Environment Agency, which has been assessed by the County Council's Biodiversity Officer. The Statement notes that Grove Ferry Picnic Site is adjacent to the Stodmarsh National Nature Reserve which includes a Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Ramsar, but given the distances involved no further survey, assessment or mitigation is required in terms of the statutory or non-statutory designated sites. The Biodiversity Officer has confirmed that whilst the proposed development is in close proximity to the designated sites, approximately 15m from the proposed changing facilities and 60m from the proposed canoe/kayak pontoon, there appears to be limited potential impact on ecological pathways. This is also due to the existing hedgerows and Grove Ferry Road which are situated between Grove Ferry Picnic Site and the Stodmarsh National Nature Reserve. The potential for increased recreational activity within the designated sites has been considered but given that there is limited canoeing during the winter months when sensitive bird species will be present, KCC Biodiversity is satisfied that there is limited potential for impacts to arise.

30. There are a number of protected species which have been recorded within a 5km area of the development site including bat species, the European otter, water vole and the depressed river mussel. There are water vole records both upstream and downstream of Grove Ferry Picnic Site and as such a water vole survey has been undertaken to ascertain the presence and absence at the site location. During the survey, the immediate habitat where the pontoon is to be located was also assessed for the presence of other protected species. The survey found no sighting of water vole but some evidence of their presence. The report concludes that the works would impact on the water vole present due to the works requiring cutting of vegetation to install the pontoon and management to allow continued access. However, it is considered that the works would not impact negatively on the water vole providing that the works do not take place until the end of the breeding season and that vegetation removal is carried out sensitively and enabled to regrow where possible. The Biodiversity Officer has proposed a condition requesting a method statement detailing the vegetation management measures that would be implemented to avoid and mitigate impacts to water voles and their burrows prior to the commencement of works, including vegetation removal. This is included in my recommendation below.

31. Subject to the imposition of the condition it is considered that the proposed development could be carried out with suitable mitigation to ensure no protected species are adversely affected and therefore development would accord with the aims of Policy LB9 Protection, Mitigation, Enhancement and Increased Connectivity for Species and Habitats of Principal Importance of the adopted Canterbury District Local Plan (July 2017).

Installation of a new public canoe/kayak pontoon, installation of six timber changing cubicles, upgrading of existing fishing swims/platforms and upgrading of the existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreaux, Canterbury, Kent CT3 4BP – CA/19/1046 (KCC/CA/0108/2019)

Environment Agency Requirements

32. In accordance with the Environment Agency's requirements, the applicant has provided details relating to the Flood Risk Activity Permit. This has been submitted to the Environment Agency directly, outside of the planning process, and will be assessed separately by the Environment Agency.

Conclusion

33. The proposal seeks to provide a new public canoe/kayak pontoon, the installation of six timber changing cubicles, the upgrading of existing fishing platforms and the upgrading of part of the existing public right of way (CB531) from the car park to the riverbank at Grove Ferry Picnic Site. The Country Park is located on the southern boundary of the Great Stour River and the proposal includes resurfacing of a Public Right of Way. These developments would provide improved community facilities within the Country Park and support policy objectives for improving opportunities to access sport and recreation. In addition, the developments would enhance rural tourism and provide wider health benefits and wellbeing needs. The siting and design of the proposal is considered acceptable and the proposed development would not pose additional impact upon the public highway. Subject to an appropriately worded condition, the development can be accommodated without unacceptable impact to ecological interests.
34. The application has not received any objection from members of the public or consultees. The application is being reported to the Planning Applications Committee as a result of governance conflicts arising from the applicant, Kent Country Parks, and the Planning Applications Group both being within the Environment Planning and Enforcement division of KCC.
35. Subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network, the public right of way or the ecological interests and would accord with Development Plan Policies and the principles of sustainable development as set out in the National Planning Policy Framework. I therefore conclude that the development is sustainable and recommend that permission be granted, subject to conditions.

Recommendation

36. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:
- The standard three-year time limit;
 - The development to be carried out in accordance with the permitted details.
 - Prior to the commencement of works (including vegetation removal) to install the pontoon, a method statement detailing the vegetation management measures that

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Installation of a new public canoe/kayak pontoon, installation of six timber changing cubicles, upgrading of existing fishing swims/platforms and upgrading of the existing footpath from the car park to the riverbank at Grove Ferry Picnic Site, Grove Ferry Road, Wickhambreaux, Canterbury, Kent CT3 4BP – CA/19/1046 (KCC/CA/0108/2019)

will be implemented to avoid and mitigate impacts to water voles and their burrows will be submitted to, and approved by, the County Planning Authority.

Case Officer: Chloe Palmer

Tel. no: 03000 415718

Background Documents: see section heading

Item D2

Creation of 3G Artificial Turf Pitch (ATP) with fencing, floodlighting and associated features, Maidstone Grammar School, Barton Road, Maidstone, Kent, ME15 7BT – MA/18/502882 (KCC/MA/0084/2018)

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2019.

Application by Maidstone Grammar School for the creation of 3G Artificial Turf Pitch (ATP) with fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone, ME15 7BT (Ref: KCC/MA/0084/2018 and MA/18/502882).

Recommendation: Planning permission to be granted, subject to conditions.

Local Member: Mr R Bird and Mr D Daley

Classification: Unrestricted

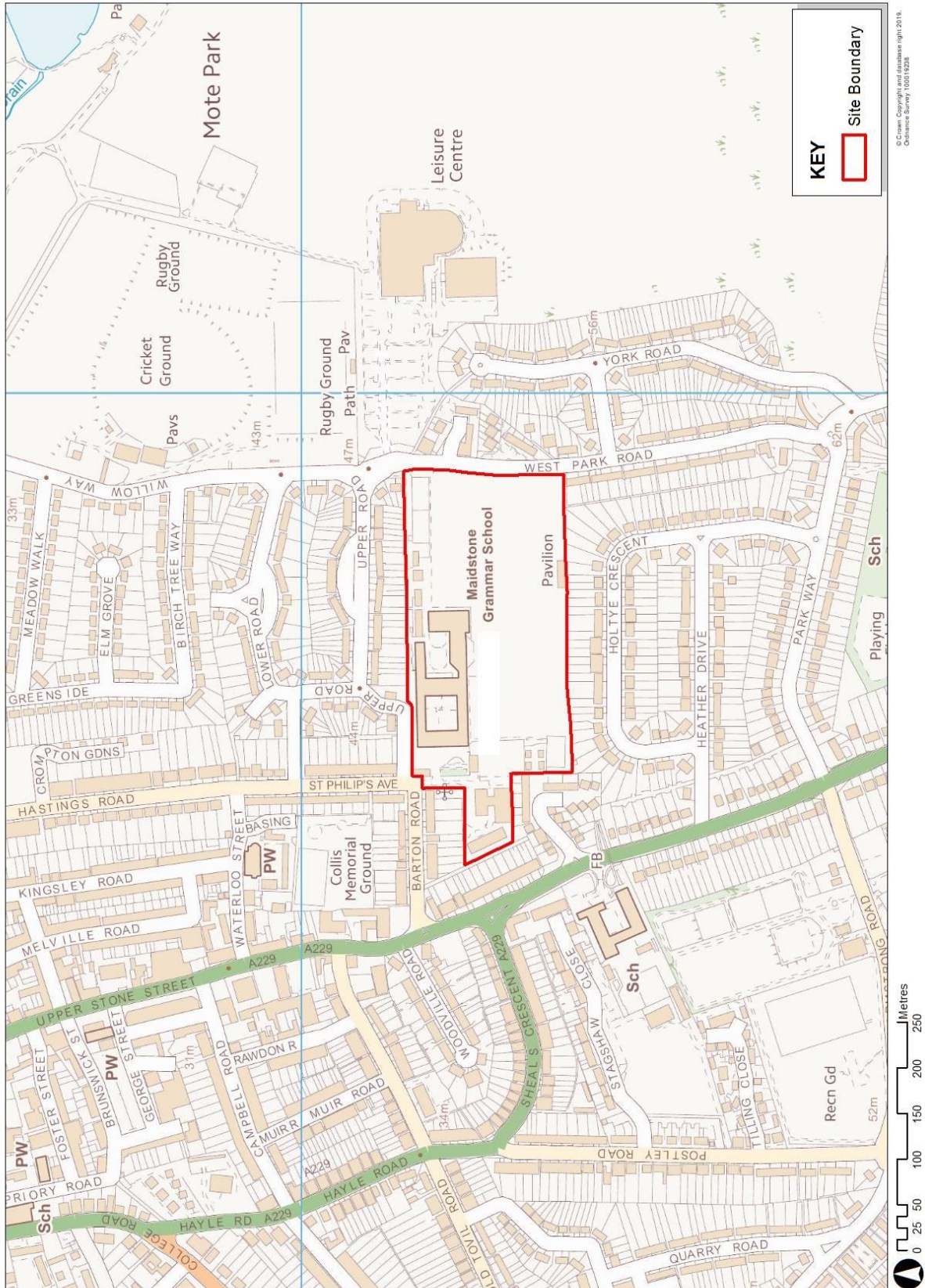
Site

1. Maidstone Grammar School is located off Barton Road, which is to the south east of Maidstone and is in a predominantly residential area. These residential properties surround the site. Mote Park and Maidstone Leisure Centre are located to the east of the school site and are accessed off West Park Road which runs along the school's eastern boundary. The main vehicular and pedestrian entrances to the school are located off Barton Road but there is also a pedestrian entrance from West Park Road. The school consists of buildings of varying size and age, the original building dating from the 1930's. Most of these buildings are in the north western corner of the school site and along the northern and western boundaries. The school's playing field makes up the remainder of the school's site. The original sports pavilion is located on the southern boundary backing onto gardens of the residential properties in Holtye Crescent. A new pavilion has been recently constructed in the south west corner of the site replacing old and unused mobile buildings that were located at this location. A site location plan is attached.
2. The School has completed a variety of new buildings within the past ten years which were commissioned to provide up to date facilities for the existing and proposed additional pupils. In addition to the new sports pavilion, the school has also recently erected a new arts block to provide new music rooms, practice rooms and performing arts studio, which is located at the end of the row of school buildings along the northern boundary. The School has also demolished an existing single storey classroom block which was located close to the northern boundary of the school site and erected a two-storey block to provide new science laboratories and IT classrooms.
3. Between the existing school buildings, which are located to the northern and western boundaries and the southern boundary of the school site is an L-shaped grassed playing field. The playing field has a fall of about 5 metres across the field from the southeast to the northwest. The southern boundary of the school site is defined by a wall or a close boarded wooden fence with chain link fencing above the wall or wooden fence with significant hedges and trees located along both sides. Adjoining this boundary there are two storey residential properties which are accessed from Holtye Crescent.

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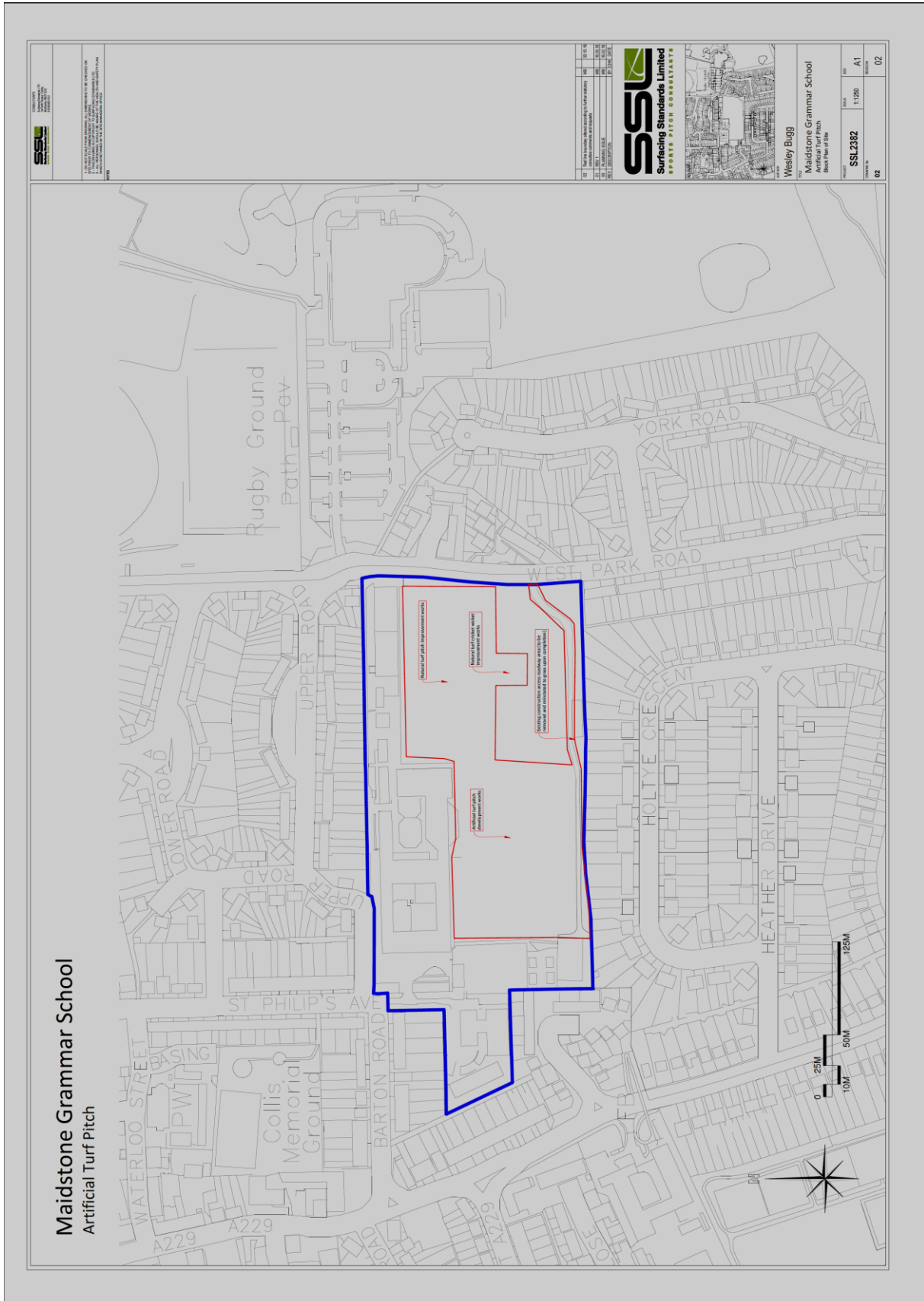
Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Site Location Plan



Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Site Location Plan



Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

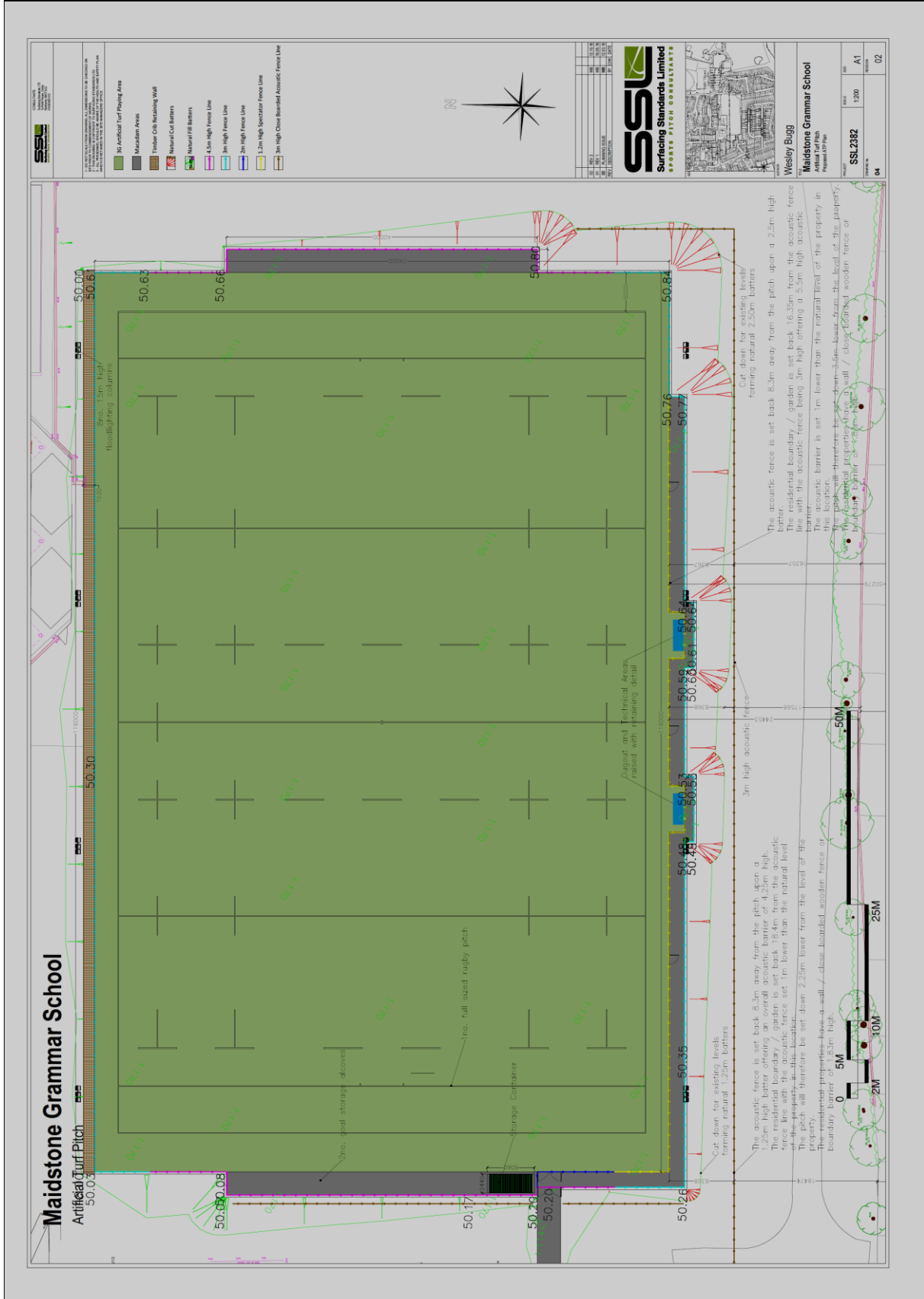
Proposed Site Plan



Item D2

Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Proposed Artificial Turf Pitch Plan



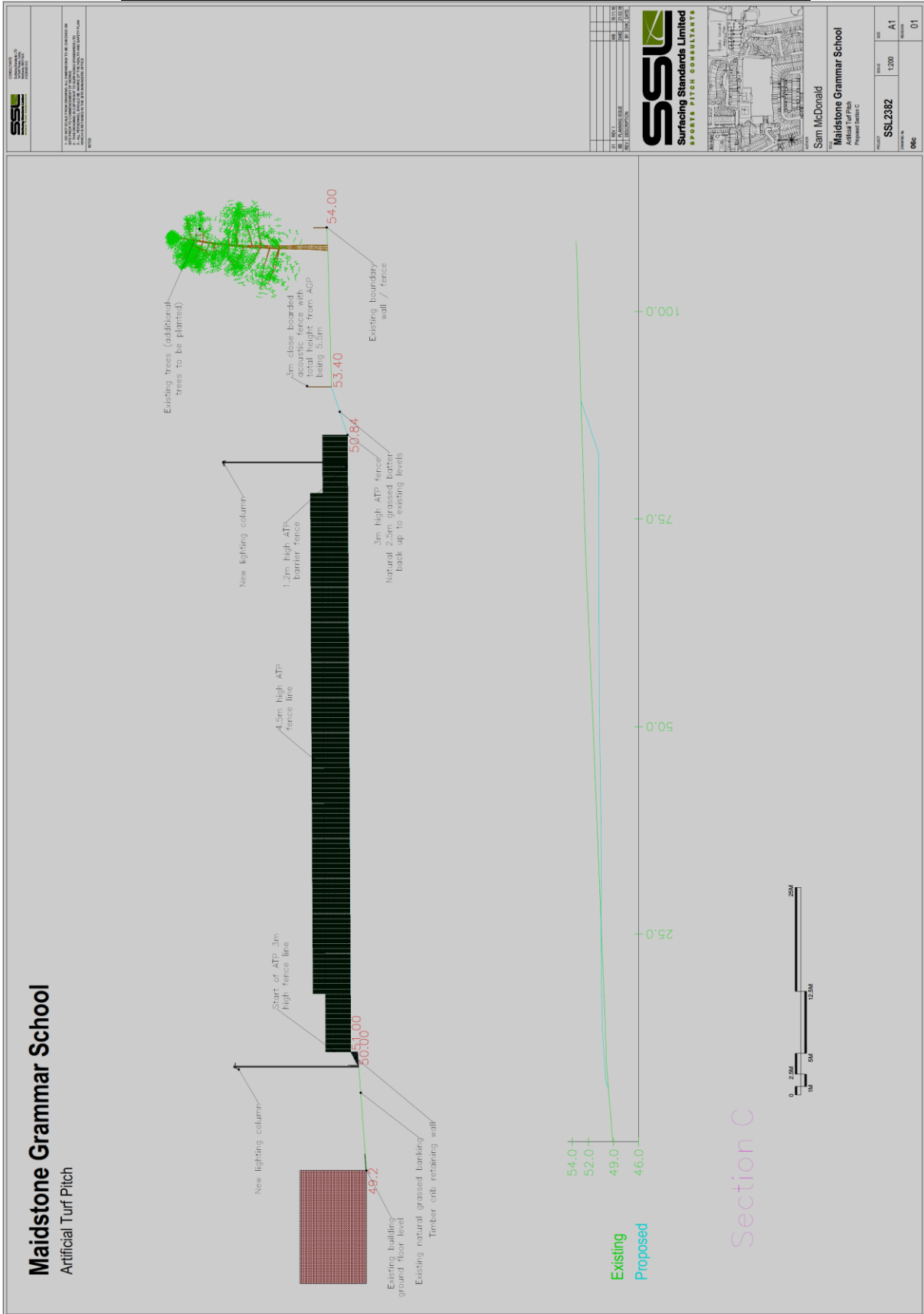
Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Proposed Cross Section (western end of ATP) Plan



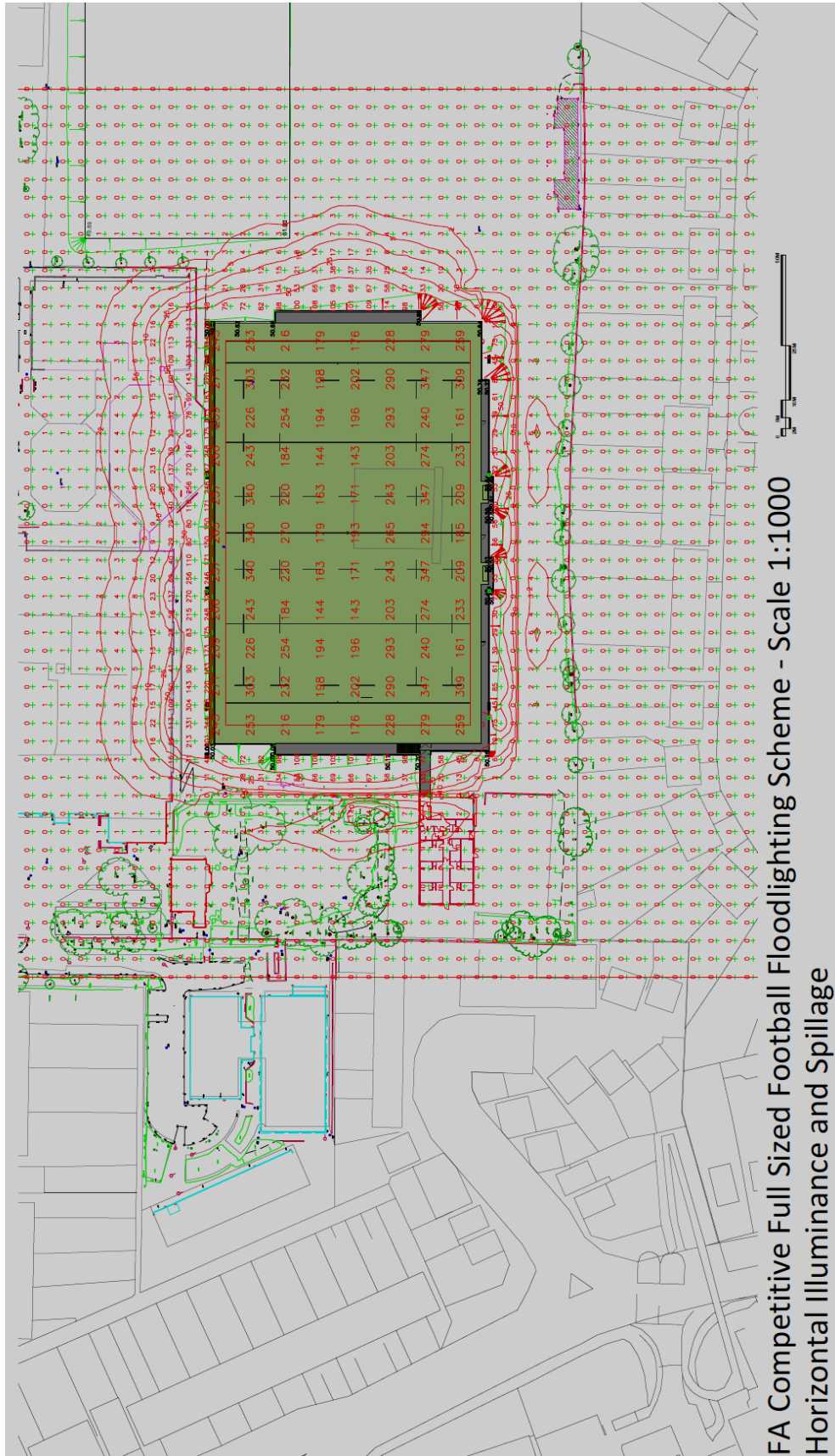
Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Proposed Cross Section (eastern end of ATP) Plan



Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

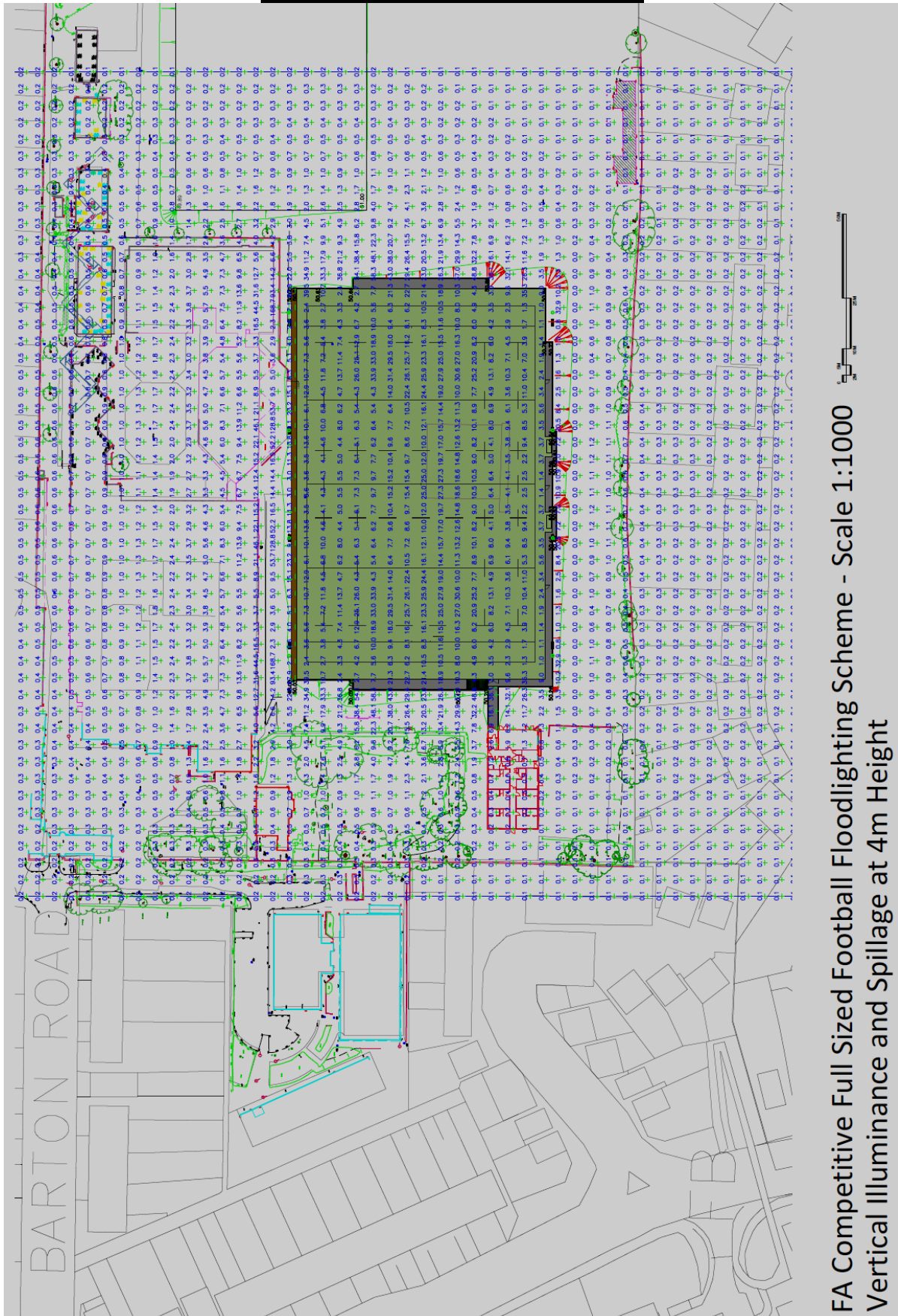
Proposed Floodlighting Plan



Item D2

Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Proposed Floodlighting Plan



FA Competitive Full Sized Football Floodlighting Scheme - Scale 1:1000
Vertical Illuminance and Spillage at 4m Height

Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Existing Playing Markings Plan



Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Proposed Playing Markings Plan



Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Background

4. Maidstone Grammar School has a long history dating back to 1549 and earlier occupying various premises with the town and moved to its current site in 1930. In 1993 the School moved from taking pupils from age 13 to age 11 and the first of the new intake at the age 11 had to pass the 11+ exam to gain entry to the school. At that time the school had five forms of entry (5FE) with a Planned Admission Number (PAN) of 150 pupils per year group, giving a school roll of 750 pupils. However due to the demand for grammar school places, the school was required to move to a 6FE in the late 1990's and the PAN was increased to 175 pupils per year group with five additional school places available for appeals, so the school had 6 forms of 30 pupils. This was a school roll of 900 pupils. The PAN of 175 was always surpassed but not enough to have required an additional form of entry which could not be accommodated within the existing buildings and grounds provision. Some creative timetabling was already required to accommodate the existing students because of a lack of specialist accommodation and inadequate playing field provision, which was inadequate for the existing numbers.
5. In 2015, the School was approached by the Local Education Authority, because of under-provision in grammar school places around Kent including the Maidstone area, to take in an additional form of entry thus becoming a 7 FE each year with a PAN number of 205 pupils. The school was required to carry out a curriculum analysis to determine the additional provision that would be needed and this identified that there was a shortage in specialist accommodation for Science, Computing, English, Maths and Physical Education. As the school site had not grown in terms of site size, any new buildings would have to be built within the existing footprint of the school. There was no capacity to use any of the playing fields to build on because the school was already underprovided for a school of its size. The School has already put strategies in place to protect the playing fields so that the physical education curriculum time and school team sports would be protected as much as possible.
6. The Education Committee endorsed the Commissioning Plan for Education Provision 2016-2020, which identified the need for additional secondary school places in the Maidstone district. The proposal was to expand Maidstone Grammar School to provide an additional 175 selective school places over 5 year to meet the predicted future demand in the Maidstone District. The proposed increase in the PAN was expected to start in 2018 but this was bought forward to September 2017.
7. The school roll in September 2016 was 1232 pupils including the sixth form. This is before the school became a 7 forms of entry (FE) establishment. In September 2018 the school roll was 1302 and again this included the sixth form. Please note that these figures show the first 2 years of the 7FE expansion programme. Finally, the school roll as expected from September 2021 is 1489 and again this includes the sixth form.
8. Furthermore, the number of appeals for school places far surpasses the number of places that the school can offer, and the school confirmed that recently they had 75 appeals. Additionally, since 2017 the school has accepted more than the 205 planned admission numbers (PAN) and so has class sizes of 30, 31 and 32. For this current year, and with some further adaptations to rooming, the school will be able to offer places for up to 222 pupils, without moving to an 8 forms of entry, which is not physically possible based on the insufficient classroom space.

Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

9. The number of teaching staff has also increased at the school. In 2016 the total teaching staff (teaching and support staff) was the equivalent of approximately 99 members of staff. In the 2 years since the school became a 7FE school, the total staff numbers increased to 106 and it is envisaged that the school will be taking on at least 2-3 new members of staff over the forthcoming years to accommodate the proposed increase in pupil numbers. The school has confirmed that the school has 97no. car parking spaces, 3no. disabled parking spaces, 4no. motorcycle spaces and space for 125no. cycles. There are no plans to provide any more parking spaces as a result of this planning application as when it is intended for the community to use the ATP, it would be out of school hours and the staff car park would be available. Current school hours are between 8.40am and 3.30pm Monday to Friday.

Recent Planning History

10. The most relevant recent site planning history is listed below;

MA/18/504116	Retrospective application for a new grasscrete fire appliance path for access to new pavilion. Removal of existing poor quality trees and creation of additional car parking spaces along boundary of current car park. Granted retrospective planning permission.
MA/17/502397	Proposed new single storey pavilion changing facility with supporting club room/teaching space and office accommodation. Granted with conditions.
MA/17/500731	Non-material amendment to relocate the proposed Arts Block building 700mm to the west. Granted with conditions.
MA/16/507442	Proposed new 2-storey performing arts block to provide new music classrooms, practice rooms and performing arts studio space with associated stores and offices. Granted with conditions.
MA/16/507463	Demolition of existing single storey classroom block and erection of new 2-storey block to provide 3 additional science labs and 2 IT classrooms with additional storage and associated prep space. Granted with conditions.
MA/14/504889	Proposed extension and refurbishment of the existing sports pavilion. Granted with conditions.
MA/13/796	Proposed recladding of existing walls and roof to existing sports hall. Granted with conditions.

Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

Amendment following submission

11. The planning application has been slightly amended following the first consultation process. This planning application as originally submitted proposed longer opening hours for the artificial turf pitch on a Friday, Saturday, Sunday and Bank Holidays throughout the whole of the year. The proposed original hours and days were as shown in the table below;

Monday to Friday	8.00am to 9.30pm
Saturday	9.00am to 6.00pm
Sundays and Bank Holidays	9.00am to 6.00pm

12. The planning application as originally submitted also proposed a 3m high acoustic fence only along the southern boundary of the artificial turf pitch (ATP).
13. As a result of the objections received to the application, the applicant proposed to reduce the hours and days that the ATP would be open by reducing the hours over the weekend between June and August as well as being shut during all Bank Holidays. The applicant also proposed that on a Friday the ATP would close at 6.30pm throughout the year, but requested that a clause could be looked at that would allow Friday evening usage up to 9.30pm up to 23 days throughout the year, for the occasion that booking and demand might require it through the winter months for cancelled or re-scheduled fixture congestion. The hours have subsequently been further amended as set out in paragraph (29). It is those revised hours that are considered in the discussion section of the report.
14. The applicant also proposed further to reduce the levels of the proposed ATP to the southern side of the pitch so that proposed ATP would be cut more into the slope of the playing field and thus lowering further the proposed ATP. An additional acoustic barrier is also proposed to the western side of the ATP and a short section of the eastern side (to add to the already proposed southern acoustic fence). With the proposed further reduced levels of the ATP, the proposed excavated material would be utilised to re-level and improve the existing football pitch. The amended application also proposes improvements to the existing cricket wicket facility to counter the loss of the undersized youth cricket wicket.
15. Furthermore, the lighting information has been updated to show that dark corridors would be achieved behind the proposed acoustic fence to encourage and continue bat migration and feeding patterns around the site. The revised details of the application also now included the temporary access roadway from West Park Road, which is currently still in place due to the recent construction of the new pavilion, and which would be removed upon completion of the proposed ATP and the area reinstated back to grass.

Proposal

16. The planning application (as amended) seeks permission to create a new external 3G artificial turf pitch (ATP) with associated features including;
- Installation of a new artificial turf pitch (ATP) to form a full-sized playing enclosure 116m x 74m for rugby union with new artificial grass pitch surface with a playing area sized 106m x 68m and associated technical areas to accommodate a 15v15 rugby

Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

- pitch. It would also be capable of supporting a football pitch that would measure 94m x 68m.
- Installation of pitch perimeter fencing and associated gated entrances to form a playing enclosure around the field of play.
 - Installation of new hard standing areas adjoining the ATP perimeter complete with associated porous asphalt surfacing for pedestrian access, and maintenance and emergency services. It would be compliant with DDA (Disability Discrimination Act) regulations.
 - Installation of eight 15m high floodlighting columns, with a total of 20no. luminaries (3no luminaries on the 4 corner floodlight columns and 2no luminaries on the 4 middle floodlight columns).
 - Installation of an 3m high acoustic fence to the southern and western boundaries of the ATP, and a short section to the eastern boundary.
 - Improvement and maintenance to the existing cricket square.
 - Re-levelling and improvement to the existing natural turf football/rugby pitch.
 - Removal of the existing temporary construction access roadway from West Park Road and reinstatement to grass upon completion.
 - A storage container measuring approximately 6.0m x 2.5m x 2.6m high within the ATP enclosure.
17. The proposal seeks to construct a new artificial turf pitch (ATP) that would enhance the quality of the playing field and main rugby pitch onsite and would provide increased usage in comparison to the existing grassed rugby pitch, for the benefit of the school and its partner organisations and community groups for rugby along with football. It is proposed that the ATP would be used during normal school hours and days as well as during weekday evenings and at weekends via pre-arranged and structured community access. This proposed intensification of use is made possible by the introduction of an artificial grass pitch surface, which would be more durable in comparison to natural turf, especially during winter weather conditions, plus the proposed provision of floodlighting.
18. As mentioned above, the proposed ATP would result in the loss of a usable grassed playing field that holds a junior cricket square and a rugby pitch. However the current playing field has a 5m fall across the length of the field but it is proposed to correct this fall by digging into the ground and lowering the highest point of the field (nearest to the residential properties to the southern boundary) to ensure that the playing surface would be in line with rugby and football requirements for a 3G pitch and would have a maximum fall of 1%. The proposed alterations to the levels of the development area and site would be achieved by using a balanced cut/fill exercise that would bring the north west side of the pitch up in levels by 1.6m. The north east side would rise up by 800mm and due to the steep bank leading down to the school buildings, then the entire north length of the ATP would require a retaining structure.
19. The south western corner of the pitch would also be reduced in level by 1.25m and the south eastern corner would be reduced by 2.5m. The entire southern side of the pitch would have a naturally reinstated grassed bank from the pitch leading back up to the existing levels. Upon the grassed banking a 3m high close boarded wooden acoustic fence would be placed and be a permanent fixture.
20. The Artificial Turf Pitch (ATP) playing surface would comprise of a 3G artificial grass containing a 60-65mm pile and would be partially in-filled with silica sand, which is proposed for stability, and granulate rubber, which is proposed for performance. It is proposed that the pitch would be a coloured green grass with white and blue coloured

Proposed 3G pitch with associated fencing, floodlighting and associated features – Maidstone Grammar School, Barton Road, Maidstone – MA/18/502882

line markings for football. This would be consistent with current Rugby Football Union technical requirements to deliver adequate performance characteristics for the intended activities. This proposed surface type is recognised as the most suitable artificial playing surface for community rugby competition play, training and development.

21. Perimeter ball-stop fencing is also proposed around all sides and ends of the ATP to provide a ball stop and to offer a degree of security. It is proposed to be a steel open mesh fencing powder coated in a dark green colour and would be 4.5m high to the goal ends (to the east and west ends) and 3m high to all other surrounds and boundaries of the ATP and enclosed pathway. The proposed interior fencing within the enclosed macadam pathway would reduce to 1.2m in height. It is also proposed to provide a storage container which would measure approximately 6.0m wide x 2.5m deep x 2.6m high which would be located within the fence line of the enclosed pathway/spectator area. Synthetic rubber inserts are proposed to be installed to all fencing mesh panels and to all post fixings. This would reduce noise, rattle and vibration from ball impacts. The proposed acoustic fencing has also been included to mitigate any adverse effect to the closest residential properties.
22. As part of the planning application is it also proposed to provide 8no. 15m high floodlights, which would be located around the periphery of the ATP. The floodlighting masts are proposed to be a finished galvanised and be self-coloured and would be mounted with a total of twenty (20no.) luminaries c/w 2kW lamps, with 3no luminaries on the 4 corner floodlight columns and 2no luminaries on the 4 middle floodlight columns. The lighting design has been produced with back shields to the southern side in order to mitigate and reduce any spillage from the proposed lighting to the nearby residential properties. It is proposed that the floodlights are built around the ATP to facilitate use during evenings and throughout the winter months, thereby enabling the facility to be used to its full potential by local community sporting and recreational groups.
23. It is not proposed to affect any existing trees on the site. Additional planting to the south of the proposed development would be implemented and would offer further screening into the school grounds from the residential properties and vice versa. Additional planting is also proposed to the eastern boundaries of the playing field and this would ensure a 4m wide bat friendly planting area that would offer and attract foraging and feeding locations and passages for bats away from the proposed ATP and from the proposed artificial lighting. All the surrounding soil would be reinstated to grass.
24. The applicant has confirmed that the existing onsite parking arrangements offer ample space to accommodate users of the proposed pitch. As it is proposed to hire out the ATP after school has finished for the day during term time, or during the weekends or during the school holidays, the car park which has parking space for 97no. vehicles and 3no. disabled parking spaces and is used by staff during the school day, would be available during these out of school hours times. The school would ensure that school usage of the proposed ATP and the hiring out of the ATP would not overlap and/or impact on each other. The proposed development would not alter the transport access to the site, which would remain the same with access via the main school entrance off Barton Road, with use of the school car parking areas. The applicant has confirmed that there are no plans to open the gates off West Park Road, with no access other than through the main school entrance off Barton Road. Equally the applicant has confirmed that green travel opportunities including walking and cycling will also continue to be promoted by the school whenever possible.

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25. The proposed hours and days of usage of the ATP (which have been subject to consultation) are shown in the tables below but have been further amended as set out in paragraph (29) below. During school term time it is proposed that the school would use the ATP Monday to Friday between 8.00am and 5.30pm, and Saturday mornings between 9.00am and 1.00pm. The proposed community use hours during school term time proposed were Monday to Thursday between 5.30pm and 9.30pm, Fridays between 5.30pm and 6.30pm, Saturdays between 1.00pm and 4.00pm from June to August, and between 1.00pm and 6.00pm from September to May, and Sundays between 9.00am and 6.00pm from September to May and between 9.00am and 2.00pm from June to August. During the school holidays, the ATP would also be available during the normal school day as well.

From 1 September to 31 May

Monday to Thursday	8.00am to 9.30pm
Friday	8.00am to 6.30pm
Saturday	9.00am to 6.00pm
Sunday	9.00am to 6.00pm
This facility is to be closed and not utilised during all bank holidays	

From 1 June until 31 August

Monday to Thursday	8.00am to 9.30pm
Friday	8.00am to 6.30pm
Saturday	9.00am to 4.00pm
Sunday	9.00am to 2.00pm
This facility is to be closed and not utilised during all bank holidays	

26. The applicant is also requesting a clause that would allow Friday night use up to 9.30pm for up to 23 days throughout the year for the occasion that booking and demand requires it through the winter months for cancelled and re-scheduled fixture congestion.
27. The proposed community use would be for the ATP only. The table below provides an estimate of the probable maximum users of the ATP. Please note that the 25% of spectators for youth football is based on driving to the venue and supervising children. Clearly the worst-case scenario event is the 6no. 5v5 pitches. The applicants figures below are also based on the number of possible persons using the ATP, rather than the number of cars, and on the very worst-case scenario that competitive matches are played with referees on each of the 6no. football pitches at one time.

Sport	Players	Subs	Coaches	Refs	Total	Pitches	Total times number of pitches	Spectators (0% adult football & 25% for youth football)
2no Adult rugby (15 a side with 8 subs)	30	16	2	3	51	1	51	0

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2no adult football (11 a side with 7 subs.	22	14	2	3	41	1	41	0
9v9 football	18	8	2	1	29	2	58	15
7v7 football	14	8	2	1	25	2	50	13
5v5 football	10	4	2	1	17	6	102	26

28. It is proposed that the ATP would be operated and managed by the School, through a combination of existing caretaking and booking arrangements with additional staff recruited to oversee the use of the ATP when it is proposed to be open to the public. This would ensure that the users of the ATP would have left by the allocated times and to ensure that the floodlighting would also be switched off by the proposed curfew. It is proposed to provide changing facilities in the new pavilion building. It is also proposed to establish an annual sinking fund to cover the costs of the long-term facility maintenance and refurbishment, such as the replacement of the ATP surface and/or floodlighting infrastructure.

Further amendment to the proposed hours of use

29. From the public consultation carried out, it is evident that the nearest neighbours to the proposed AWP have concerns about the proposed amount of community usage during out of school hours, during the weekends and school holidays. The school has taken these objections into consideration and they are proposing to reduce the amount of community usage further as a means of addressing the objections received. The proposal is now not to have any community usage on the ATP on a Sunday throughout the whole year. However, the applicant has requested permission for occasional Sunday usage purely by the school during daylight hours, which is what the school currently does depending on how well the school teams do in interschool and national competitions. This currently takes place for extra training or playing of matches including the occasional small interschools tournaments. The applicant advises that this should not be more than six times per year. The request of allowing Friday night use has also been reduced from 9.30pm to **8.00pm** for up to 23 days throughout the year for the occasion that booking and demand requires it through the winter months for cancelled and re-scheduled fixture congestion. Please refer to the tables below for the revised proposed hours of use.

Revised hours from 1 September to 31 May

Monday to Thursday	8.00am to 9.30pm
Friday	8.00am to 6.30pm
Saturday	9.00am to 6.00pm
Sunday	No community use
This facility is to be closed and not utilised during all bank holidays	

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Revised hours from 1 June until 31 August

Monday to Thursday	8.00am to 9.30pm
Friday	8.00am to 6.30pm
Saturday	9.00am to 4.00pm
Sunday	No community use
This facility is to be closed and not utilised during all bank holidays	

Planning Policy Context

30. The most relevant Government Guidance and Development Plan Policies summarised below are appropriate to the consideration of this application:

- (i) **National Planning Policy Framework (NPPF) February 2019** and the **National Planning Policy Guidance** (first published in March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states that local planning authorities should approach decisions in a positive and creative way, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Taking a positive approach to applications that make more effective use of sites that provide community services such as schools, provided this maintains or improves the quality of service provision and access to open space and making decisions that promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Ensure that planning policies and decisions provide the social, recreational and cultural facilities and services the community needs, by planning positively for the provision and use of shared spaces and community facilities such as sports venues or open spaces to enhance the sustainability of communities and residential environments;

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- Meeting the challenge of climate change and flooding and incorporating SuD's;
- Conserving and enhancing the natural environment;
- Ensure that planning policies are based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Through access to high quality open spaces and opportunities for sport and recreation, an important contribution to the health and well-being of communities can be achieved;
- Ensure that planning policies and decisions should aim to achieve healthy, inclusive places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs through the provision through the provision of sports facilities.
- Ensure that existing open space, sports and recreational buildings and land, including playing fields, are not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
- Planning policies and decisions should prevent unacceptable risks from pollution and land instability and should ensure that new development is appropriate for its location;
- Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from the development, whilst recognising that development will often create some noise;
- Encourage through good design and planning policies the requirement to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

In addition, Paragraph 94 states that: *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.*

- (ii) **Policy Statement – Planning for Schools Development (15 August 2011)** which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. In particular, the Policy states that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity of provision in the state funded school sector, to meet both demographic needs, provide increased choice and create higher standards.

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(iii) Maidstone Borough-Local Plan 2017 – Adopted October 2017- Policies:

Policy DM1 Principles of Good Design. Covers the principles of good design which proposed development should accord with, including reference to permeable layouts; responding to local natural or historic character and incorporating a high quality, modern design approach; high quality public realm; respecting the amenities of occupiers of neighbouring properties; respecting natural features such as trees and hedges; high quality design which responds to surrounding areas; maximising opportunities for sustainable development; protecting on-site biodiversity; safely accommodating vehicle and pedestrian movements; incorporating security measures to design out crime; avoiding areas at risk of flooding; incorporating adequate storage of waste and recycling; and providing adequate vehicle and cycle parking; and being flexible towards future adaptation in response to changing life needs.

Proposals need to respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

Policy DM3 Natural Environment. Proposals need to ensure that new development protects and enhances the natural environment by incorporating measures that retain a high quality of living and to be able to respond to the effects of climate change.

Policy DM4 Development affecting designated and non-designated heritage assets. Ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.

Policy DM7 Non-conforming uses. Proposals for development which would create, intensify or expand noisy uses, or which could potentially generate volumes or types of traffic unsuited to the locate area, will only be permitted where they do not, by way of their operation, cause nuisance to residents or users in the vicinity.

Policy DM8 External Lighting. Proposals must demonstrate that the minimum amount of lighting necessary to achieve its purpose is proposed, the design and specification of the lighting would minimise glare and light spillage, and the lighting scheme would not be visually detrimental to its immediate or wider setting particularly intrinsically dark landscapes.

Policy DM20 Community Facilities. The adequate provision of community facilities, including social, education and other facilities is an essential component of residential development. Where appropriate the dual use of education facilities (new and existing) should be encouraged for recreation and other purposes.

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Policy DM21 Assessing the transport impacts of development. Proposals must demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts; provide a satisfactory Transport Assessment and a satisfactory Travel Plan; and comply with the requirements for the policy for air quality.

Policy DM23 Parking Standards. Vehicle parking for non-residential uses will need to take into account the accessibility of the development and the availability of public transport; the type, mix and use of the development proposed; whether development proposals exacerbate on street car parking to an unacceptable degree; and the appropriate design and provision of cycle parking facilities.

Sport England Guidance

31. **Sport England's Planning for Sport Guidance (June 2019)** which sets out Sport England's support of the NPPF and the importance of promoting healthy communities and achieving sustainable development. The document mentions that many educational sites have very good sports facilities which are often underused out of normal school hours. Sport England's Use our School toolkit provides a resource to support schools in opening their facilities to the community and keeping them open. The document also covers issues such as community use agreements and provides guidance on how they should be well managed and to provide a safe environment as well as setting out how the community use is intended to operate. The document also suggests co-locating new facilities and services to provide an increased opportunity to be active as well as supporting community use of existing sports facilities. There is a good practice guidance on design to enhance existing or new sport and physical activity provision. It also mentions lighting of outdoor sports facilities which can provide extended hours that a facility can be used and is considered to be critical to the long-term viability of a facility. The significant advances in lighting technology over the recent years should be recognised and that it can minimise the impact on local amenity and neighbouring properties. Whilst it is recognised in the document that noise associated with sport and physical activity provision can range from various sources such as the voice of players and balls hitting boards on artificial grass pitches, however with appropriate siting and suitable mitigation measures, it is considered that in the vast majority acceptable noise levels can be achieved without adversely affecting surrounding uses.

Consultations

32. The consultees have the following comments to make on the planning application as amended with the proposed hours of use as set out in paragraph (25). (N.B. not the further reduced hours set out in paragraph (29)).

Maidstone Borough Council: Maintains a continued objection to the proposed application for the following reason:

The proposed development will result in significant detriment to adjacent residential amenity by way of increased noise, disturbance and nuisance, and the submitted acoustic assessment report has failed to demonstrate the proposed development will protect and maintain the amenities of surrounding residential occupiers. As such the proposal is contrary to policy DM1 and DM7 of the Maidstone Borough Local Plan 2017.

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Maidstone Council therefore recommends that the application is refused for the above reasons and the benefits of providing the proposed 3G pitches does not outweigh the harm identified. However, if KCC are minded to approve the scheme regardless of this objection, Maidstone Council recommends that appropriate conditions are imposed to minimise the impact including restricting the hours of use and requiring the submission and approval of a management plan which should set out how potential future complaints will be considered.

Kent Highways: Maintains no objection subject to conditions, including the imposition of a Construction Management Plan condition, and has the following comments:

Initially I note from the information provided however that it is intended that community use is limited to the artificial turf pitch only. I would recommend therefore that this is included as a condition to any approval notice. *[This is considered in paragraph (84) below.]*

It would appear that the 'worst case'/most intensive scenario for community use would be 6, 5 a-side pitches which may generate, at a generous allowance of an 80% person to car ratio, approximately 100 cars. A plan has been provided which demonstrates that approximately 97 car parking spaces are available within the school complex. I also understand that 'there is a large overflow car park to the hard-standing courts.' This has not been shown but presumably this is the courts at the eastern end of the school next to West Park Road. It is also noted that this area is adjacent to the car park to Maidstone Leisure Centre.

In capacity terms and considering potential impacts to surrounding roads it would appear therefore that community use, outside of school times (this has also been stipulated/confirmed), can be accommodated, off the public highway, and I write on behalf of this authority that I have no objection to this proposal.

I note the information regarding weekday, Saturday, Sundays and Bank Holiday times for community use to occur. Apart perhaps for the suggested morning weekday start time, it is not considered that the traffic generated unduly conflicts with other peak hour traffic movements. The operating times are considered in this case to largely be an amenity issue for determination by the planning authority. In this regard an approval for an initial temporary period of say 2 to 3 years may be helpful/appropriate.

Finally, the issue of coaches has not been discussed but at an expected maximum attendance of 128 people and coaches usually having a capacity of ~ 50 people, it is not considered that coach arrivals should present any particular issues greater than current school activities that involve coaches.

Archaeology: Maintains no objection subject to a condition and has the following comments:

The applicant has provided a Desk Based Assessment (DBA). This DBA provides helpful information on the location of the anti-tank trap and background data on the archaeological potential. I have also received additional information on proposed groundworks.

Having viewed this information and made a site visit to appreciate the ground levels and potential impact of the scheme, I am now more confident that groundworks will not

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impact on the anti-tank trap. There is still some potential for groundworks to impact on earlier archaeology, but this can be addressed through fieldwork covered by condition post consent.

The County Council's Flood Risk Team (SuDS): Maintains no objection subject to conditions and has the following comments:

The proposed drainage strategy for the artificial pitch at Maidstone Grammar School would be sufficient. We do advise that the additional surface water from the creation of the 3G pitch is fully drained via infiltration either below the pitch or through the use of additional soakaways rather than connecting through the school surface water drainage system. The underlying strata is the Hythe Formation (Ragstone) in which there is a risk of encountering loosely infilled features known as 'gulls'.

The installation of soakaways may lead to ground instability if these features are present and are inundated with water. No ground investigation details appear to have been provided to determine the potential instability risks associated with infiltration drainage into these deposits.

Should you be minded to grant planning permission for the above development, we recommend that conditions are attached that require the provision of a detailed surface water drainage scheme for the site and an operation and maintenance manual for the proposed sustainable drainage scheme is submitted and approved.

KCC's Biodiversity Officer: Maintains no objection subject to a condition and has the following comments:

A bat activity survey has been submitted in support of this application and it has detailed that at least 4 species of foraging/commuting bats have been recorded within the site and there is a known long eared roost within the pavilion building, particularly along the site boundaries. A lighting plan has been submitted to address previous concerns that the proposed development would result in an increase in lighting on the site boundary and negatively impact foraging/commuting bats. Due to the location of the known roost we accept that the proposed development would not directly impact bats entering/leaving the roost.

The submitted plans do demonstrate that the proposed fencing will result in a significant decrease in light spill on to the site boundaries. The ecology survey details that additional planting along the southern and eastern boundaries will be carried out to enhance the site for foraging/commuting bats and reduce the light spill further (once it has established). It is recommended that if planning permission is granted a hedgerow management plan is produced and implemented as a condition of planning permission.

Environment Agency: Has no comments to make on the planning application as the application is assessed as having a low environmental risk.

Sport England: Initially raised objection to the planning application because it was not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF. However Sport England agreed to re-consider its position subject to the satisfactory resolution due to the lack of a community use agreement that would justify the loss of the playing field. Following receipt of the amended documentation, Sport England now raises no objection and has the following comments to make;

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Further to our previous response I have reconsulted the relevant National Governing Bodies (NGB) regarding the additional information provided.

The Rugby Football Union (RFU) is supportive of the proposal as it would add to the floodlit pitch capacity in the local authority. The Playing Pitch Strategy identifies a pitch deficit in the area, with particular reference to Mote Park, where there is a significant overall shortfall in pitch capacity. This would concur with the reasoning for the school not to look at additional capacity at this site as a solution to their needs (Strategic Context – Para 4.8; Design and Access Statement).

Currently, the 2 non-floodlit rugby pitches at Maidstone Grammar are highlighted within the Playing Pitch Strategy as being available for community use but not currently utilised. An accessible rugby compliant floodlit Artificial Grass Pitch (AGP) would potentially contribute to the current peak demand shortfall of floodlit training areas should an appropriate Community Use Agreement be in place. The RFU would welcome early consultation on the Community Use Agreement to ensure community accessibility to the AGP from a pricing and availability perspective. The RFU would also request that, in line with the FA competition recommendation at Para 4.8 within the Design and Access statement (Community Use), that use of the AGP should not commence until certification to World Rugby Regulation 22 is evidenced.

The England and Wales Cricket Board (ECB) has also confirmed that the amended proposal has addressed the issues for the provision of cricket at the site with the enhanced quality of the fine turf square.

The ECB would like to see a more specifically worded Community User Agreement which incorporates cricket. Whilst the existing one confirms current users of the cricket facility, there is no specific mention of future access of the site by community cricket clubs.

In conclusion, given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy. The absence of an objection is subject to a community use agreement condition being attached to the decision notice should the local planning authority be minded to approve the application.

Amey: Lighting - Has the following comments to make:

The scheme has been designed in line with BS EN 12193 (Light and lighting – sports lighting), the Institution of Lighting Professionals 'Guidance notes for the reduction of obtrusive light GN01:2011' and good industry practice.

Amey: Noise - Has the following comments to make:

In summary, is satisfied that the main level of noise from the ATP would be acceptable subject to the provision of the 3-metre noise barrier and correct installation of the ball stop fencing, and consideration to whether use of the facilities up to 9.30pm is appropriate as at this time there is increased potential for an adverse impact on the local community to occur.

Further commented that the overall noise assessment (as revised), based on computer noise modelling and assessment of noise impacts over an hourly period, in addition to the assessment of maximum (dB L_{AMAX}) noise levels, is robust and no further detailed, technical noise assessment is required. However, the main concern is the

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unquantifiable effects associated with excessive shouting and foul language which often accompanies, male five-a-side football games and similar activities if it goes unchallenged. It is suggested that any noise management plans prepared by the applicant in support of this scheme, should include a strictly policed behaviour policy for the facility's users, with adequate training and support provided to staff to ensure user-behaviour is suitably controlled. This should not be a generic, non-specific management plan and should be agreed with the County Planning Authority prior to the facility's first use. The nature, character and timing (i.e. evenings and weekends) of the noise from the venue has the potential to disturb local residents, the degree to which this occurs being a subjective matter. At face value, the fact that the development may give rise to occasions of elevated noise should not be a reason for refusal of planning permission, but the County Council should be satisfied that any such noise can be suitably controlled and minimised, as far as reasonably practicable, to enable the development to be permitted.

Amey: Landscaping: - Has the following comments to make:

The proposed planting largely addresses the environmental and light-pollution related considerations raised in the submitted reports in the long term. To reduce the impact of the proposed lighting to the surrounding residencies, it is suggested that trees should be extra heavy standard trees (14-16cm) along the southern border of the site. It is suggested that consideration should be given to increasing the number of additional trees creating planting groups out with the boundary hedge line with additional trees to be planted where required to create a full barrier and screen the new development from the residencies in the short term, as well as in the long term. Furthermore, seeding or planting that will help stabilise the newly formed batters, as well as enhance the habitat opportunities of the site should also be considered.

Local Member

33. The local County Members Mr Bird and Mr Daley and adjoining local Member, Mr Cooper were notified of the application on 24 May 2018 and of the revised proposals on 17 December 2018. Mr Cooper, as adjoining local County Member, made the following comments on the amended proposals:

'I am unable to comment as I am a member of the Planning Committee.'

Publicity

34. The application was advertised by the posting of a site notice and the notification of 110 neighbouring properties and an advertisement was placed in the local newspaper on 1 June 2018. The reconsultation resulted in the notification of all the people that made representations on the planning application as originally submitted and the reconsultation also included the original 110 neighbours that were originally consulted on the planning application.

Representations on the planning application as originally submitted

35. Letters of representation have been received both in opposition of the application as originally submitted and in support. A total of 104 representations have been received objecting to the application and a total of 145 in support, whilst 2 representations raised concern, and which can be summarised as follows;

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Objections

Residential Amenity

- Impact arising from noise and lighting for properties in the vicinity of the site will be unacceptable.
- Adverse effect on residential amenity of neighbours, by reason of noise, disturbance, light spill, overlooking and loss of privacy. There will still be an increase in ambient light from the floodlighting affecting the properties in this densely populated area of Maidstone.
- Noise levels and extensive opening hours of the pitch which are a severe intensification over the current use, would create a constant interruption for almost all waking hours, seven days a week, having a severe impact on the quality of life for surrounding residents.
- The Noise Impact Assessment highlights the devastating impact on residential amenity the proposed application would have even if both acoustic barriers were in place. The predicted ambient noise levels will be close to 50 decibels from the activities on the pitch alone. This is 'moderately annoying' by World Health Organisational Standards.
- Mitigation measures will not be effective.
- Visual impact of the noise barrier and lighting is unacceptable providing a negative visual impact of the development. Currently the visual impact is one of playing fields, red brick school buildings and the North Downs. The imposition of the noise barrier would not be in keeping and be overbearing to resident's and would have a disproportionate loss of existing views.
- Adverse impact upon quality of life for surrounding residents in Beech Hurst Close and Holtye Crescent (in particular) as well as Heather Drive, Barton Road, St Philip's Avenue and Upper Road.
- Use of pitches 7 days a week is unacceptable.
- Impact from anti-social behaviour.
- Result in the loss of privacy and increase security risk.
- This is overdevelopment in a defined space.

Parking and Highway

- There will be a dramatic increase in traffic during weekday evenings and at weekends.
- There is not enough parking provided by the school and that local parking on busy residential roads is not viable in the long term. Traffic congestion, particularly during the week between 1700 and 1800 is already heavy in nearby Loose Road, Park Way and West Park Road.
- Maidstone Borough Council Local Plan polices clearly indicates that this facility would have a detrimental effect on residents of Holtye Crescent and surrounding roads.

Need

- No justification in terms of the additional students being taken on by the school or no justification for building a state-of-the-art sports pitch and then using it as a playground during break and lunch times.
- Other locations on site should be explored further away from residents.
- Few qualms about the use of these facilities for the benefit of scholars, it is the out of hour's usage which creates the greatest concern.
- There is no need for this facility as there is an availability of pitches in the Maidstone area at various times throughout the week and weekend. The site is proposed

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directly opposite Mote Park Leisure Centre and not more than 300yds away from the all-weather pitch in Armstrong Road.

- Placing this facility in Mote Park would make it more accessible to local groups and if managed independently remove the financial burden on the school.
- Maidstone Borough Local Plan makes no reference to a need for increased sports facilities of this nature or any desire to increase the number of AWP's in the Borough.
- The extended hours of use are way beyond the normal school hours we are accustomed to and have accepted because it is a school. This proposal turns it into a business which is unsuitable in such a built-up area.
- The boys at the school have managed perfectly well for the last 88 years with a very large grassy field, do they really need this or is it just a money making scheme for the school?

Hours

- The extended operating hours challenge good neighbourliness, fairness and undermines the character of the neighbourhood with inappropriate new uses.
- Renting out this facility during weekends, bank holidays and school holidays for non MGS activities will cause interference with the residents reasonable enjoyment of his land.

Biodiversity

- The presence of light during day and night is likely to affect the natural behaviour of bats.
- Create risks to wildlife and to biodiversity, particularly priority species.

Health

- Concern about the health issues surrounding 3G pitches.
- Create risk to health and to the environment resulting from the use of 'rubber crumbs' and their loss into the watercourse.

Other

- Residents object to the construction and running of an unrelated external sports club simply because without the income from external hire would mean that the school wouldn't be able to afford to maintain the facility. Figures of how much is needed and over what sort of period, to justify the large number of hours proposed has not been provided.
- There is no justification in terms of benefits to the immediate neighbouring community. Benefit is only to those outside the community whilst the negative effects are only felt by those inside the local community.

Support

- This is a growing school and it desperately needs this facility so that the children have somewhere to play at break and lunchtime. The existing playing provision is totally inadequate for the children at the school.
- The school needs modern sports facilities to enable it to deliver the quality teaching it is known for and in this day and age where sport is an essential part of the curriculum it should be a priority.
- This facility would mean that the PE Department could offer the full spectrum of sports and exercise needed to meet and surpass the current curriculum requirements.

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- With obesity levels at the highest for teenagers currently, the need for spaces which can be used in all weathers is vital to the health of these boys and girls at such an important time in their lives, both of health and mental well-being.
- It will help the students in all-weather condition. During the winter months, when the weather is not very good, many sports classes get cancelled due to waterlogged pitches etc.
- The facility is much needed as it would not only enable the rugby and football teams to be better prepared for matches against other schools but would also give the school an outside area to play on when they are unable to utilise the field due to bad weather.
- Synthetic grass pitches require less maintenance than natural surfaces as they don't get muddy and worn out from heavy use and weathering.
- The all-weather pitch would bring a guarantee of all year-round sports for the school.
- It would enhance the school's reputation as a rugby playing school.
- Allow the school pupils to participate in outdoor activities when normal grass pitches would be unplayable.
- We need to do all we can to promote a healthy lifestyle and encourage students to participate in sport and that means all through the year, something that the current grass pitch cannot effectively deliver.
- In addition to the 3G pitch benefitting the students, this is a much-needed local facility which would allow it to generate enough income to pay for itself.
- The school currently has an inadequate amount of playing field space and this situation will only worsen as pupil numbers increase over the coming years.
- All weather sports pitches are in very short supply in the Maidstone area, but the few that exist are over-subscribed and there is a great need for more such facilities. It would support the real need for additional playing provision for outside clubs to hire.
- Innovative approach to providing modern facilities to its students whilst minimising the financial impact to the school and government.
- Hope that the school will be able to support the local community with the hiring out of these facilities.
- It would not just benefit the pupils, but also the local community.

Comments from Helen Grant, Member of Parliament for Maidstone and The Weald

This new all-weather surface is vital to allow the school to continue to offer a full physical education programme as its expansion for a six to a seven form entry intake continues. The new facility will provide the school with greater resilience against increased wear and tear and against inclement weather; allowing students to partake in more P.E. lessons and outdoor activities. It will also provide benefits to the wider local community with it being made available to sporting clubs and groups from outside of the school. Furthermore, I am also encouraged that the school have taken reasonable precautions to assuage the concerns of neighbours including: reducing the size of the pitch, implementing an acoustic fence and choosing specially designed lighting.

I have always been an enormous supporter of improved grassroots sports facilities across Maidstone and the Weald. High quality sports facilities play a vital role in offering people of all ages the opportunity to partake in physical activity, which clearly provides significant physical and mental health benefits. They also have an enormously beneficial social impact providing people with the opportunity to enjoy companionship and offering worthwhile and productive activities for the community to enjoy.

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For all of the reasons above, I support this application and very much hope that it will be granted. I would be grateful if my comments could be given due consideration as this application is considered by KCC.

Comments from Maidstone Rugby Club

The rugby club has been in existence for nearly 138 years and has excellent ties with many schools. One of the longest standing is with Maidstone Grammar School. We do use each other's facilities on frequent occasions and inclement weather and pitch conditions are always a tremendous challenge. The area is in need of a 3G artificial pitch, not just for rugby, but other sports as well and MGS would be an ideal location. Not only would it strengthen the sporting opportunities in Maidstone at grassroots level but would also increase the interest in a variety of sports that will of course benefit the wider community. As a community club we see the far-reaching benefits a local artificial pitch can potentially offer and we would be very keen to work with MGS to use the pitch in the future.

Comments from Aylesford Football Club

As a coach at Aylesford Football Club, I am writing to express my support for the plan to build an artificial pitch at Maidstone Grammar School. I feel this is much needed facility for the local community. As a football club Aylesford has always struggled to get facilities to train on, especially during the winter months when it is darker and flood lights are needed. We are quite near to Cobham Sports Club which has its own 3G pitch but we are still unable to train there as it is always fully booked. We have also tried all other places with floodlights but we face the same problem of no availability.

Representations on the planning application as amended (as set out in paragraph 16-28 above)

36. A reconsultation was undertaken and all the neighbours that were consulted on the planning application as originally submitted were notified of the proposed changes, as well as the members of the public that had sent in representations on the original application. The reconsultation on the amended proposals attracted a further 49 objections and 2 letters of support, which can be summarised as follows:

Object**Residential Amenity**

- Strongly object to any use outside school hours as floodlights, noise and additional traffic brought to this area would have a serious adverse effect on the living environment for all residents.
- Residents will be affected by the sound of balls banging on perimeter fences, referee whistles and crowd and player shouting.
- The proposed adjustments do not go anywhere near far enough to address the problems that would have to be endured by local residents.
- The noise measurements taken at the pitches did not include supporters, families and cheering and therefore is not a true reflection. The noise of whistles objection raised by Maidstone Borough Council has not been addressed.
- This development would infringe my own and my families right to a private life and enjoyment of my home.

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- The increased usage of persons within the playing field during weekends and evening would mean a visual intrusion into the rear windows of my property for an unreasonable length of time.
- The applicant cannot with any degree of certainty demonstrate that the proposed development would not have a significant impact on residential amenity.
- The design of the acoustic barrier and landscaping has changed but this makes no change to the intolerably high noise levels that would be suffered by nearby residents, 63 decibels for whistles and 61 for footballs hitting fences.
- This equates to completely changing the acoustic characteristics of the location and surrounding area and would lead to significant behavioural changes (closing windows, not being able to sleep during the evenings, not using gardens during the weekend) amongst local residents.
- The noise and light will affect the wildlife in the area, particularly the bats who we regularly see in the evenings whose activities would be affected by the floodlights.

Need

- The sports pitch is totally inappropriate in a residential area such as ours and there is no need for it as there are several other all-weather pitches in the area.
- Unacceptable to use the pitch as a commercial venture by the school seven days a week into the evening.
- Restrict the proposal to just an artificial surface, without floodlights and sound barrier, to be used during normal school hours in line with the current grass playing field.
- There is no demand for the facility outside of the school and other facilities have been advertising recently as they are failing to fill their available slots.

Hours

- Unhappy about the extended hours of floodlight and sports late into the evening.
- Note that the school has reduced the hours of use from the original proposal but these are still in excess of acceptable hours.
- Whilst some amendments have been made, the use should be restricted to normal school hours, and Saturday mornings.
- The revised application has included a clause to increase use on Friday nights until 21.30 hours on 23 Fridays a year. This could constitute the whole summer period.

Parking and Highway

- The school currently has 95 parking spaces and use Mote Park for their students to park indicating that they do not have enough room to accommodate their own staff and pupils on a daily basis.
- Beech Hurst Close is the first road in the area coming out of Maidstone that is not permit parking and we already have major problems with people using the road as a free car park.

Other

- Cannot justify the construction of a leisure centre in a residential area simply because the school cannot afford the maintenance costs of the proposed facility.
- The headteacher stated that the project was not a commercial exercise although in a newsletter to the parents it was referred to as a 'new funding stream'.
- The proposed planting scheme is totally unsuitable and a hedge planting would be more suitable and better for wildlife.

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- It is surprising that the school would go ahead with the scheme in view of the claim that the rubber crumbs used in construction could result in children suffering ill-health.

Support

- This will provide a facility to ensure pupils have access to an outdoor space for exercise all year round and promote the playing of team sports.
- There would be significant benefits to current and future pupils (and facility users) in terms of health and other educational opportunities.

Discussion

37. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (30) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) 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 Development Plan Policies, Government Guidance, including the National Planning Policy Framework (NPPF), and other material planning considerations arising from consultation and publicity.
38. This application is being reported for determination by the Planning Applications Committee due to the objection from Maidstone Borough Council and the letters of representation received objecting to the planning application. In this case the key determining factors, in my view, are need and the principle of the development, location, amenity impacts (including proximity to residential properties, visual impacts, lighting and noise), school and community use and hours of use, access and parking, drainage, archaeology, ecological matters, and construction. In the Government's view, the development of schools is strongly in the national interest and planning authorities should support this objective, in a manner consistent with their statutory obligations. In considering proposals for the creation, expansion and alteration of schools, the Government considers that there is a strong presumption in favour of state funded schools, as expressed in the National Planning Policy Framework and reflected in the Policy Statement for Schools. Planning Authorities should give full and thorough consideration to the importance of enabling such development, attaching significant weight to the need to develop state funded schools, and making full use of their planning powers to support such development, only imposing conditions that are absolutely necessary and that meet the tests set out in paragraph 55 of the NPPF.

Need and principle of development

39. As referred to above in the background section of the report, the proposal arises due to expansion of the school which is already taking place to meet demand for selective secondary school places in the Maidstone area. Additional accommodation to meet curriculum requirements has already been constructed on the site but there is also a need to address a shortfall in available recreation and sports facilities for the existing and future increase in pupil numbers. The development of the new buildings has reduced the amount of space available for pupils at lunch time and break times. In addition, the use of the playing field is limited by weather conditions.
40. The applicant states that the school has an existing shortfall of 2.1 hectares of playing field provision against the Department for Education (DfE) recommended standards (as

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set out in Building Bulletin 103 – Area Guidelines for Mainstream Schools). With forecast growth in pupil numbers, this shortfall would increase to approximately 2.6 hectares by 2021, without any additional facilities. The suitability and increased durability of artificial surfaced areas is recognised in Building Bulletin 103, where it is noted that they offer the potential for more intensive use and that they can be counted twice “as they can be used for significantly more than the seven hours a week assumed of grass pitches”. The proposed ATP would therefore significantly reduce the current shortfall in playing field provision.

41. The School has considered options for off-site additional provision at Mote Park. Leaving aside any safeguarding issues, the School do not consider it to be a realistic proposition as it has only 1-hour lessons meaning that pupils would not have sufficient time to have a high-quality PE lesson as they would have to fit in both time to get changed and walk to Mote Park within that available hour. Consequently, the School has concluded that an artificial pitch within the school’s grounds would be a more suitable option. It would result in a significant improvement for the school over current limitations and would be available for break and lunch times in addition to meeting the sport curriculum requirements. Support for the provision of school places is heavily embedded in the NPPF and supported by Local Plan Policy DM20, and as this proposal arises from the expansion of the school, I consider that the education need for the proposed development should be given significant weight in this instance.
42. As outlined in the proposal section of the report, it is also proposed that the ATP (Artificial Turf Pitch) is used by the community outside of school hours. The applicant considers that this is necessary to fund the costs of future maintenance and refurbishment of the facility although that in itself is not material to the determination of this application. However, in addition the applicant has established that there is a need for such a facility for wider community use and this is verified by the findings of the Maidstone Borough Council Playing Pitch Strategy (PPS). In a report on the PPS, considered by the Borough Council’s Strategic Planning, Sustainability and Transportation Committee in February this year it was noted that an addition of 0.84 was needed to 3G pitches to meet future demand for football use.
43. Policy DM20 of the Borough Local Plan seeks to ensure, where appropriate, that dual use of education facilities (existing and new) including for recreation are encouraged, a planning policy objective which is well established. In addition, the NPPF sets out that the provision of sports facilities that enable and support healthy lifestyles is an aim that should be achieved in planning decisions. Sport England in recently published guidance outlined in paragraph (31) above endorse this aim and amongst other things sets out its support for community use of school sports facilities.
44. There is in my view strong planning policy support for the proposed development and use. Furthermore, given the ATP would be located on the playing field, the principle of such use is already well established. However, it does raise some significant issues in respect of the location, details of the proposed development and intensification of use which are considered below.

Location on the playing field

45. The proposed location of the ATP has largely been determined by the ‘L’ shape of the playing field and the existing summer and winter layouts of pitches and markings. The location would result in the need to re-arrange some pitches and markings at the

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eastern side of the playing field, including for example, the location of the running track. The proposals also involve some releveling works of this part of the playing field with surplus soils arising from construction of the ATP. This is the largest part of the playing field and would accommodate two rugby pitches, the senior cricket square that is proposed to be improved, a running track, practice grids, cricket nets and an area for shot put. To locate the ATP on this part of the playing field would leave an area of playing field of unusable width for most formal sports and a loss of overall sports provision.

46. Following an initial objection from Sport England, as noted in paragraph (32), it is satisfied that the proposal meets its policy exception 5 providing a sport facility of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.
47. Accordingly, no objection is raised subject to a condition requiring a community use agreement being imposed if planning permission is granted. As referred to in the Sport England response, the Rugby Football Union and the English Cricket Board would wish their interests to be addressed in the community use agreement and this could be covered by an informative.
48. The proposed location of the ATP does make the most effective use of space without leaving unusable areas to either side of it and minimises the overall loss of grass pitches and markings for summer and winter sports. Whilst it would lead to loss of part of the playing field, the ATP would provide an enhanced facility which can be used more effectively in comparison to natural turf. However, there are other issues to consider in determining whether the location is acceptable in planning terms and these are considered below.

Amenity ImpactsProximity to Residential Properties and Visual Impact

49. Although the location of the ATP does make the most effective use of the playing field for sports use, and is acceptable to Sport England, objection is raised by local residents to its location on amenity grounds. The impacts of the lighting of the pitch, and noise associated with its use, will be discussed later in this report, but the principle of the location in terms of privacy and visual impact are considered below.
50. The existing area of playing field upon which the ATP is proposed is on a gentle slope, with land levels increasing in height by approximately 5-metres across the field (northwest to southeast) from the school buildings and the southern school boundary, beyond which lie the gardens and rear elevations of the nearest properties in Holtye Crescent. The ATP perimeter ball stop fencing would be between about 21 and 26 metres away from the southern boundary with Holtye Crescent properties. The rear façade of these properties is shown on the submitted drawings to be between 47 and 55 metres from the perimeter ball stop fencing. However, it should be noted that the ordnance survey base does not show the rear extensions that have been added to these properties and therefore the distances are actually less. An existing games court and the sports pavilion lie between the proposed ATP and the western school boundary with properties in Beech Hurst Close which would be about 50-metres away from the ATP perimeter ball stop fencing. One of these properties which is end on has its end wall close to the boundary and the rear façade of those that face onto the boundary are set

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back by about 10-metres being about 60-metres from the ATP perimeter ball stop fencing.

51. It is proposed that site levels would be altered by using a balanced cut/fill exercise which would bring the north side of the pitch up by between 0.8 and 1.6 metres. On the south side the ATP would be cut into the site, which would lower the ground level by 1.25-metres at the south western corner of the proposed pitch and 2.5-metres at the south eastern corner. The playing pitch surface would therefore generally be at a lower level than the existing playing field, which it should be noted is currently used for informal recreation as well as sports use. In addition, a 3-metre high acoustic fence is proposed to be installed to the south side of the pitch, set back by up to about 8.3-metres from the edge of the pitch at the top of the embankment created by the cutting in of the pitch. It would return a short length to the eastern end of the pitch. A 3-metre high acoustic fence is also proposed along about 70% of the western end of the pitch set back by about 4-metres from the edge of the pitch. In addition to the acoustic benefits of such fencing (discussed later in this report) it would also provide a significant improvement to the screening and privacy between the pitch and the properties in Holtye Close and Beech Hurst Close.
52. Although there are some views through the existing boundaries, adjoining properties already benefit from screening at garden level with a combination of walling, fencing and planting, and by sheds at the end of some of the gardens. Boundary trees also provide some filtering of views at the higher level. Additional landscaping to the southern boundary is also proposed which includes a mixed native hedge. Given that this area of the school site is already used for sports and recreation, and the fact that the pitch would be lower than the existing ground level and the addition of the visual screening afforded by the proposed 3-metre high acoustic screens, I am satisfied that the development as proposed would not have an adverse impact on the privacy of local residents from overlooking.
53. With regard to visual impact, local residents express concern regarding the impacts of the acoustic fencing, ball stop fencing and lighting columns on the outlook from their properties, including impeding views of the North Downs in the distance to the north of Maidstone. First, it must be remembered that private views are not afforded protection and that the loss of a view is not a material consideration in the determination of a planning application. It is also important to note that the development is surrounded by built development, whether that be private residential properties or school buildings, and that development of this nature is not out of context within an urban environment. However, the visual impact of the proposed fencing and lighting columns during daylight hours are discussed below.
54. There would be eight 15-metre-high galvanised finished light columns. The four end columns would support 3 luminaires each and the four middle columns 2 luminaires each, and the casings finished in raw aluminium. These would be visible in the immediate locality but given that they would be 30-metres apart and some distance away I do not consider they would be overly dominant in views across the site or block available views of the North Downs. Should the columns be lowered in height, a greater number of them would be required to achieve the necessary level of illuminance on the pitch and likely to have more of an impact.
55. A 3-metre high perimeter ball stop fencing is proposed along the southern and northern sides of the pitch returning on the corners to meet up with 4.5-metre high ball stop fencing behind the goal areas on the ends of the pitch. Some lengths of 1.2-metre high

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internal fencing demark an area for spectators along the southern side and a short section of 2-metre high fencing alongside the gateway onto the pitch. These are proposed to be finished in a dark green colour. Clearly the enclosed area would be visible across the site particularly with the higher fencing at the ends of the pitch. Views from West Park Road which is some 150-metres away to the east and from the properties that are on the opposite side of that road would be screened to a significant extent by the existing boundary hedge. Views from the properties to the west and south would be interrupted by the intervening 3-metre high acoustic fencing which given the lower level of the pitch would hide much of the ball stop fencing. Whilst that would be the case, concerns have also been expressed about its visual impact. However, given the presence of the existing boundary with adjoining properties already referred to in paragraph (50) above, and that the acoustic fence is some 15-metres or more away from properties to the south and 50-metres away from properties to the west, I neither consider that it would be overbearing or have a significant adverse impact on the outlook from these properties. Furthermore, on the southern boundary the existing boundary would be enhanced by the proposed planting once it becomes established. With regard to this the County Council's Landscape consultant has suggested consideration also be given to some additional tree planting along this boundary and if permission is granted the applicant could be asked to consider this by way of an informative.

56. It is acknowledged that views of and across the playing field would be altered with the introduction of the ATP compared with the current open playing field particularly with the introduction of the vertical elements of the development (i.e. lamp columns and fencing). However, these elements are not uncommon within a playing field environment and would be seen alongside and against the backdrop of existing school buildings. The artificial turf pitch surface would largely blend with the adjoining playing field. A storage container is also proposed within the ATP enclosure at the western end. This would be shielded from views from the west and south and in longer views from the east against the backdrop of the fencing. Subject to it being finished in an appropriate colour I do not consider its location would be unacceptable. With regard to the re-levelling and improvement to part of the remaining grassed area of the playing field there would be little noticeable change in its overall appearance once completed.
57. Having considered the concerns about privacy above, I am satisfied that the development as proposed would be acceptable in terms of proximity to residential properties and that it would not result in loss of privacy from overlooking. With regard to the visual aspects considered above, I am also satisfied that the development would not have a significantly adverse visual impact, would not be overbearing on adjoining properties or unduly impact on their outlook or views from the wider locality. In the light of the above and subject to conditions covering the proposed storage container, fencing, and planting, I consider that the development would accord with the aims of Policy D1 of the Local Plan and the NPPF policies in these respects. However, the impact of the floodlighting itself, and use of the pitch, including noise associated with its use, also need to be considered and assessed.

Lighting Impacts

58. It will be noted that objections have been received to the proposed floodlighting scheme and the potential adverse effect it could have upon neighbours in terms of light spill, the effect on the enjoyment of their gardens, light shining into rear first floor windows affecting their sleep, ambient light, and the length of time and times that it would be switched on.

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59. Policy DM8 sets out that proposals for external lighting must demonstrate that the minimum amount of lighting necessary to achieve its purpose is proposed and that its design and specification minimises glare and light spill, and that it would not be detrimental to its immediate or wider setting. The NPPF requires that the impact of light pollution from artificial light on local amenity is limited through the encouragement of good design.
60. The number of columns and luminaires proposed has already been referred to in paragraph (54) above and in the proposal section of the report. The scheme has been designed to provide adequate lighting performance to meet Rugby Football Association requirements for varying types of play which require a 200 LUX maintained average horizontal illumination level at a minimum average uniformity of 0.60. This is also well within the requirements for football.
61. The lighting design seeks to comply with the recommendations within BS EN 12193:2007 Light and Lighting - Sports Lighting to ensure good visual conditions for all those involved in sport. The lighting design has also taken account of the Institute of Lighting Professionals (ILP) guidance (GN01:2011) on the reduction of obtrusive light which (in addition to other guidance) categorises the environment into five zones relative to the type of lighting environment, ranging from E0 (Dark) to E4 (High District Brightness). The applicant has assessed the school as being within Zone E2: rural surrounding, with low district brightness, for example a village or relatively dark outer suburban location.
62. The proposed Philips OptiVision MVP507 is an asymmetric down lighting luminaire with a flat glass allowing a lower tilt value to the horizontal minimising direct upward light, light spill and glare. The specification indicates that to minimise direct upward light into the atmosphere all luminaires have a zero upward light ratio without use of additional accessories. The luminaires on the southern side of the pitch would be fitted with back shields to minimise light spill. Control switches and time clocks would be installed to the floodlights to ensure they would not remain on later than the permitted (curfew) times. It should also be noted that the floodlighting would not need to be used throughout the whole of the year as during the lighter summer months, it would unlikely be required.
63. Lighting calculations have been provided using specialist design software provided by Philips Lighting. These include the illuminance levels achieved on the pitch and the cut off/light spill levels beyond the pitch. The average illuminance at the initial installation would be 295 lux with a minimum average uniformity of 0.61. The lighting would naturally reduce through depreciation, dirt and other natural elements over time so a maintenance factor of 0.80 (i.e. a 20% reduction in performance) would result in an average illuminance of 236 lux with a 0.61 minimum average uniformity.
64. The calculations show the horizontal and vertical illuminance levels on the pitch with the 0.80 maintenance factor applied and the horizontal and vertical spill levels beyond the pitch at the initial installation without the maintenance factor applied. Initially, the vertical illuminance was calculated at 1.8-metres based on an open site without taking account of changes in site levels or the acoustic fence. Revised calculations have been provided to show vertical illuminance at 4-metres above the pitch level to demonstrate the effect of the acoustic barrier to display dark corridors around the back to encourage and continue bat migrating and feeding patterns around the site. These illuminance and spill levels have been superimposed on an ordnance survey plan to show the relationship with adjoining properties: first, to show the horizontal illuminance and spillage; and secondly, the vertical illuminance and spillage. The calculations for the horizontal

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illuminance demonstrate that there is a sharp reduction in the lighting levels beyond the pitch and the light spillage largely contained within the school site with values of 1 lux or less at the site boundary and beyond. The calculations for the vertical illuminance at a height of 4-metres above pitch level show levels of less than 1 lux at and beyond the school boundary. These levels would be below the pre-curfew limitation of 5 Lux for light intrusion into windows for Environmental Zone E2.

65. It is acknowledged that the floodlighting would be seen from adjoining properties and other views in the locality. However, the design of the lighting scheme, including the type of lighting proposed and aiming angles, mean that the impact of waste upward light, light spill beyond the pitch and glare would be minimised. The use of shields on the floodlights on the southern side of the pitch significantly reduces the potential light spill. Our lighting consultant (Amey) has advised that the scheme has been designed in line with BS EN 12193, ILP guidance for the reduction of obstructive light (GN01:2011), and good industry practice, and raises no objection. In view of the above considerations, I am satisfied that in operation the scheme would be acceptable and its design accords with Local Plan Policy DM8 and the NPPF requirement to limit the impact of light pollution on local amenity. If permission is granted, I consider that a condition should be imposed to ensure that the floodlights are installed in accordance with the submitted details (including the back shields to the southern luminaires) and that they are tested prior to use to demonstrate that to be the case and any necessary adjustments made. Subject to this I would therefore not raise an objection to the proposed floodlighting scheme. However, taking further account of the objections raised by residents, the overall acceptability of the floodlighting would depend on the extent of the hours they would be in use, and this is discussed in the section below.

Noise Impacts

66. Given the all-weather surface, the inclusion of floodlighting and the proposed community use there would be an intensification over the current use of the playing field which the applicant advises does already include some community use in addition to school use. It will be noted that objections have been received about the intensification, the noise levels arising from balls hitting fences, referee whistles, players and spectators shouting, and the extensive opening hours seven days a week, all having an unacceptable impact on the quality of life for the surrounding residents.
67. Policy DM1 of the Local Plan requires that proposals respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, (amongst other things) excessive noise and DM7 presumes against noisy uses that would cause a nuisance in the vicinity. The NPPF sets out that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life; and to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from the development, whilst recognising that development will often create some noise.
68. The proximity of nearby residential properties and distances from the ATP are set out in paragraph (50) above. In order to mitigate the noise impact arising from the ATP, as already referred to above, it is proposed to erect 3-metre high noise fencing to the southern boundary and to part of the eastern and western boundaries. With the reduced levels of the site the pitch would be between 4.25-metres and 5.5-metres below the top of the acoustic fence to the southern boundary where residential properties are closest. In addition, it is proposed to install synthetic rubber inserts to all fencing mesh

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panels and to all post fixings to reduce noise, rattle and vibration from ball impact. The applicant also proposes an intention to produce a noise management plan, to include measures to deal with swearing and anti-social behaviour, to set out the right of the School to ban users who do not comply, a direct means for neighbours to be able to report excessive noise or anti-social behaviour to the School so that it can be investigated and dealt with quickly, complainants to be kept informed of progress regarding any complaint to the School, and school staff to have a written action plan to deal with complaints.

69. A noise assessment using typical noise levels for both rugby and football was submitted with the application which was revised to include an assessment against the existing noise climate and to take account of existing site levels and the proposed acoustic barrier. Background noise levels were measured at the last three hours of the proposed hours of use between 6.30pm and 9.30pm which would be considered to be the most sensitive time. The existing noise climate at these times was determined by local and distant road traffic and that voice would be the primary source of noise from the ATP.
70. Noise criteria for equivalent noise levels have been derived from World Health Organisation (WHO) guidance in WHO1999 as this is considered the most relevant document which includes sports noise within its scope. The highest predicted noise level from the ATP at the facades of the residential properties and within the gardens is 47dB $L_{Aeq,1\text{ hour}}$. This falls below the 50 $L_{Aeq(T)dB}$ WHO threshold for the onset of moderate community annoyance for the more onerous single worst case 1-hour period. It is stated that on this basis the equivalent noise level from the ATP at the nearby noise sensitive dwellings is considered acceptable in terms of noise impact.
71. The noise assessment also considers separately noise from the three following sources:
- Voice - The predicted maximum noise level from the highest individual source location is in the order of 48dB $L_{Amax(fast)}$ at the nearby noise sensitive residential properties.
 - A whistle - The predicted highest maximum noise level from the highest individual source location is 63dB $L_{Amax(fast)}$ at the nearby noise sensitive residential properties.
 - A ball hitting a fence - The predicted highest maximum noise level from the highest individual source location is 61 dB $L_{Amax(fast)}$ at the nearby noise sensitive residential properties.
72. The applicant's acoustic consultant is not aware of any noise criteria for maximum noise levels during the day but considers a higher maximum noise level is likely to be permissible. There is night time maximum noise criterion of 45dB $L_{Amax(fast)}$ for bedrooms at night in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) and WHO1999. With sound reduction through an open window this would equate to 60dB $L_{Amax(fast)}$ outside a dwelling. The difference between the daytime and night time equivalent noise criteria in both WHO and BS8233:2014 is 5 decibels, the applicant's acoustic consultant considers that it may therefore be that a 5 decibel increase to the maximum noise level is appropriate.
- The predicted maximum noise levels from voice are lower than the criteria for more sensitive night time rooms and the criteria derived for daytime. The noise is therefore considered acceptable and is not expected to have a significant adverse impact.

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- The predicted maximum noise levels from a whistle at the residential properties are within the derived daytime criteria. The noise is therefore considered acceptable and is not expected to have a significant adverse impact.
 - The predicted maximum noise levels from ball impact at the residential properties are 1 decibels higher than the night time criteria and within the derived daytime criteria. The noise is therefore considered acceptable and is not expected to have a significant adverse impact.
73. The predicted noise levels have also been assessed against the existing noise climate using the Institute of Environmental Management and Assessment (IEMA) guidelines for Environmental Noise Impact Assessment. This concludes that the proposals are likely to result in a minor or moderate impact on the existing noise climate. However, the assessor states given that the noise level is below a level at which it is expected to cause the onset of community annoyance and the fact that maximum noise levels are also not considered to result in adverse impact, the actual impact of noise on noise sensitive residential properties is not expected to be significant. Nevertheless, the result indicates that noise from the proposed pitches would be noticeable above the existing noise climate at noise sensitive properties and therefore it would be necessary to ensure suitable control measures are implemented and maintained to address the type and content of this sound. The applicant's acoustic consultant therefore considers that a noise management plan should be implemented and the rubber inserts to be placed between the fencing panels and posts to minimise vibration and rattling from ball impact.
74. The applicant's acoustic consultant stated that when the conclusions of his assessment are compared against the criteria of the National Planning Practice Guidance on Noise the proposed ATP would have 'no observed adverse effect'. That is where noise can be heard, but does not cause any change in behaviour, attitude or other physiological response; and where noise can slightly affect the acoustic character of the area but not such that there is a change to the quality of life. However, it will be noted that the perception of residents is otherwise, as detailed in the summary of representations in paragraphs (35) and (36) above. The objection of Maidstone Borough Council in this respect set out in paragraph (32) above will also be noted.
75. The County Council's noise consultant is satisfied that in the main the level of noise from the ATP would be acceptable subject to the provision of the 3-metre noise barrier and correct installation of the ball stop fencing, and consideration to whether use of the facilities up to 9.30pm is appropriate as at this time there is increased potential for an adverse impact on the local community to occur. He also considers that the overall noise assessment (as revised), based on computer noise modelling and assessment of noise impacts over an hourly period, in addition to the assessment of maximum (dB L_{AMAX}) noise levels, is robust and no further detailed, technical noise assessment is required. However, he does raise some concerns about the unquantifiable effects associated with excessive shouting and foul language which often accompanies, male five-a-side football games and similar activities if it goes unchallenged. He suggests that any noise management plan prepared by the applicant should include a strictly policed behaviour policy for the facility's users, with adequate training and support provided to staff to ensure user-behaviour is suitably controlled.
76. Arguably based on the noise technical assessment taking account of the site topography and the inclusion of 3-metre acoustic barrier the noise levels as a result of the development should not give rise to excessive noise being experienced by local residents or significant adverse effects to health or quality of life. However, it is clear that the nature, character and timing of the noise from the ATP does have the potential

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to cause some disturbance to local residents. This is more likely to be the case in the evenings and at weekends and this would appear to be one of the main concerns of local residents. The proposed hours for evening and weekend use are set out above in paragraph (29) above. The hours are proposed to allow some use by the School outside of normal hours as currently takes place on the playing field but also for more extended community use than currently takes place.

77. Whilst the ATP would provide more opportunity for use during the school day compared to grass pitches, I do not consider that an objection to school use on noise grounds would be justified bearing in mind the long-established education use of the site. Neither do I consider that it would be justified in respect of the School's own use of the facilities outside of normal school hours as already takes place on the playing field. In my opinion, given the reduced pitch level and the provision of a 3-metre acoustic fence I consider that the overall balance of acceptability in terms of the potential noise impact from the ATP lies in the extent and timing of the community use and proper behaviour management through the implementation of the proposed noise management plan to include measures to deal with excessive noise and anti-social behaviour.
78. It will be noted that the hours of use have been reduced twice since the application was originally submitted. As a result of the reiterated objections received to the second consultation exercise and discussion with the School in the light of the advice from our noise consultant, the School has agreed to amend the proposed hours further. (These are also considered in the section below.) These now include no community use at all on a Sunday and a reduction in the Friday evening hours. These hours are set out in paragraph (29) above. This means that with the exception from possible occasional use by the School itself, there would otherwise be at least one day in seven when there would no activity taking place on the ATP. In addition, there would be more limited use on a Friday evening during the months September to May inclusive, with no use after 6.30pm on at least 16 occasions and on the 23 occasions proposed that may be needed, it is now proposed to finish by 8.00pm.
79. With these further changes to the hours of use proposed (i.e. no community use of the ATP on Sundays and more limited use on Friday evenings), I consider that they would now give local residents more reasonable periods of respite from the potential noise disturbance arising from use of the ATP and would otherwise be acceptable provided that a noise management plan is also implemented. In that respect, should planning permission be granted a condition should be included requiring the noise management plan to be prepared by the School and submitted for the approval of the County Planning Authority before the ATP is first brought in to use, to include measures to deal with excessive noise and anti-social behaviour. Given the revised hours for community use of the facility and subject to them being conditioned along with conditions requiring the implementation of all the noise mitigation measures discussed above, I do not consider that a planning objection could be sustained on noise grounds.

School and Community Use and Hours of Use

80. As already discussed above the proposed ATP would meet the school's need to address a shortfall in available recreation and sports facilities and a wider community need for such a facility. There is also strong planning policy support to both for school and community use. Nevertheless, there has been considerable objection to the proposal particularly in relation to the impact on local and residential amenity. The proximity to residential properties, visual amenity, the impacts of the floodlighting and noise impacts are discussed in the sections above. With the all-weather surface and the inclusion of

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floodlighting the facility would result in more intensive use than use of the existing playing field. This is particularly the case in terms of extending the use into the evenings and weekends for community use. In addition, it would be available for use during the school holidays for daytime community use although in the application it is stated that this is subject to sufficient demand to justify opening the facility. It is also possible that during the summer months when the demand to play football and rugby is generally less the ATP may be less intensively used, although that cannot be assumed.

81. In terms of the School's use of the facilities, including use outside of normal school hours, I do not consider it could be argued to be unacceptable bearing in mind the long-established education use of the site. Further, as I understand some community use already takes place, and the planning policy support for community use and dual use of school facilities, I do not consider community use of the facility should be ruled out entirely. Given the consideration particularly to the floodlighting and noise impacts discussed above, to my mind the acceptability of community use of the ATP turns on the proposed hours of use and proper management of the facility.
82. The proposed hours of use which have been reduced twice since the application was originally submitted are set out fully in the earlier sections of the report. The 8.00am start time on weekdays is to accommodate use by pupils for informal recreation before school registration. The 9.30pm finish time for evening use from Monday to Thursday is compatible with finish times for similar facilities at other schools. The amended hours now include no community use at all on a Sunday and a reduction in the Friday evening hours during the months from September to May inclusive, with no use after 6.30pm on at least 16 occasions and on the 23 occasions proposed that may be needed, it is now proposed to finish by 8.00pm. As concluded in paragraph (79) above the revised hours would, in my view, now give local residents more reasonable periods of respite from the potential noise disturbance arising from use of the ATP. Similarly, this would also mean the floodlights would not be in use and at other times they would not need to be used during summer months in any case.
83. If Members are minded to grant permission, the amended hours of use, including no community use of the ATP on a Sunday, should be controlled by a condition. In addition, as the School have indicated they may occasionally wish to use the ATP on a Sunday, I would recommend that the condition also excludes the use of the floodlighting as well as community use on a Sunday.
84. Community use is fully supported by Sport England which in raising no objection has made that subject to a community use agreement condition. In its response Sport England also include the views of the England and Wales Cricket Board and that it wishes to see community use of the cricket square addressed in the community use agreement. However, in assessing the Highway implications of the proposal which are considered below KCC Highways & Transportation (H&T) raise no objection, subject to the ATP only being available for community use, and not the rest of the school's playing field and for that to be conditioned. The applicant's agent had confirmed that only community use of the ATP was proposed. However, I understand that the school would still wish to be able to allow community use of the remainder of the playing field when the ATP is not in use. With the established use of the School playing fields, the School already benefits from such use over which there are no controls. Therefore, whilst I consider that it would be appropriate to impose a condition precluding use of the rest of the external playing field facilities when the ATP is in community use because it allows more intensive use, I do not consider it reasonable to preclude such use when the ATP is not in use.

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85. As already discussed in the noise section of the report above, proper behaviour management through the implementation of the proposed noise management plan to include measures to deal with excessive noise and anti-social behaviour would also be essential. I understand that it is planned to have a dedicated member of staff employed to oversee the running of the AWP and to ensure that the management plan is being enforced as well as amongst other things ensuring that all the floodlights are switched off by the curfew and that all the community users have left the school premises.
86. In the light of the above considerations, I consider that school use of the ATP with some additional community use would be acceptable subject to appropriate conditions to control the use, as discussed above. With the revised hours and other controls in place I do not consider it would result in significant detriment to local, residential or visual amenity and would therefore accord with the aims of the Local Plan and the NPPF in these respects.

Highway Matters – Access and Parking

87. Local residents have raised objection to this application on highway, access and parking grounds, and consider that the development would result in an increase in traffic during weekday evenings and at weekends. It is considered by residents that there would not be enough parking provided on the school site, and that parking on local residential roads is not viable in the long term. Additionally, residents have commented that traffic is particularly heavy during the working week between 17.00 and 18.00 hours, especially in nearby Loose Road, Park Way and West Park Road, which are the most likely routes for users of the proposed ATP to access the site.
88. The revised hours of use are set out in paragraph (29) above. The school would use the proposed ATP until 5.30pm Monday to Friday and on Saturday mornings until 1pm and the very occasional use on a Sunday during daylight hours. The school day finishes at 3.30pm so the majority of pupils would have left the school site by the time the community use is proposed to commence (apart from those that may be playing sport on the ATP) and the majority of school staff would have also left the site and vacated the school car park. Any members of the public arriving to use the ATP would have the use of the 97 space car park which is accessed via the main school entrance off St Phillips Avenue/Barton Road.
89. Kent County Council Highways & Transportation (H&T) have been consulted on this application and raise no objection, subject to the ATP only being available for community use, and not the rest of the school's playing field. H&T assessed the likely vehicle numbers that community use of the site would generate and, when considering the worst-case scenario, concluded that there was sufficient on-site car parking to accommodate community users of the ATP. H&T are also aware that the school has an area of existing hard standing that could be used as an overflow car park, if it was ever required. Therefore, the level of existing on-site car parking is considered to be acceptable in this case.
90. H&T also considered the impact of community users of the facility accessing the site in terms of the potential impacts on the surrounding local roads and the wider highway network. H&T advise that it would appear that the proposed increase in traffic movements could be accommodated, as vehicle movements would be outside of normal school hours and would not unduly conflict with other peak traffic movements.

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91. H&T raise no objection to the proposed development, subject to the submission of a construction management plan and a condition ensuring that only the ATP is made available for community use, not the remaining school playing fields. However, as discussed in paragraph (84) above I consider that it would only be appropriate to impose a condition precluding community use of the rest of the external playing field facilities when the ATP is in community use. Whilst it is acknowledged that the proposal would increase traffic to the site, it is considered that additional vehicle movements would be outside school hours and, for the most part, outside of the peak traffic hours. Additionally, the school has an existing 97 space car park which H&T consider adequate to accommodate vehicles associated with community use of the facility. I therefore consider that a further condition be imposed, if permission is granted, to ensure that on-site car parking would always be available when the ATP is in use outside of school hours. Subject to the imposition of the conditions outlined in this paragraph, I am satisfied that the development would not have a significantly detrimental impact on the local highway network.

Drainage

92. The Environment Agency have no comments to make on this application, and the County Council's Flood Risk Team (SuDs) raise no objection subject to the imposition of conditions. The Flood Risk Team require the submission of a detailed Sustainable Surface Water Drainage Scheme prior to the commencement of the development, and the further submission of an operation and maintenance manual prior to occupation of the development (or within an agreed timeframe). Should permission be granted, the conditions as outlined above would be imposed upon the consent to ensure that drainage of the site was both sustainable and effective.

Archaeology

93. An archaeological Desk Based Assessment (DBA) has been produced to provide an assessment of the potential heritage issues on this site. It is known that the school site, notably the school buildings nearest to Barton Road, have been built upon the site of a Roman Villa. The DBA report concluded that there was a high potential for Roman remains to be found, and high potential for modern remains, relating to a WWII anti-tank trap ditch having survived within the proposed development area. The County Council's Archaeologist is satisfied that the proposed ground levels of ATP should not impact on the WWII anti-tank trap ditch and that, whilst there was still some potential groundworks that could impact upon earlier archaeology, this could be addressed through fieldwork covered by a condition, should planning permission be granted. I therefore recommend that, should permission be granted, a written specification and timetable for a programme of archaeological works be submitted prior to commencement of the development. Subject to that condition, I am satisfied that the development would not have a detrimental impact upon archaeological interests.

Ecological Matters

94. Concern has been received about the presence of the proposed lighting during the day and night and that it is likely to affect the natural behaviour of bats. A bat survey report has been submitted and it detailed that at least 4 species of foraging/commuting bats have been recorded within the site. It is also stated that it is known that there is a brown long-eared roost within the old pavilion building. However, the report states that as the light levels are expected to remain as at present around the old pavilion itself, the

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emergence time of the brown long-eared bat roosting in this building should not be impacted by the proposal. The report also states that no other roosts are known on or near the site.

95. The Bat Survey Report considers that the lighting proposal now ensures that there is no spillage to the southern boundary allowing a dark corridor for bats, as well as reduced spillage to the western boundary. Additional planting to the southern and eastern boundaries would further lessen any impact providing new foraging opportunities. It is concluded in the report that the proposed floodlit artificial turf pitch would have a negligible impact onto the local bat population. The County Council's Biodiversity Office has recommended that the hedgerow be allowed to grow as bushy as possible and that a hedgerow management plan is required by condition, if planning permission is granted.

Construction

96. Given that there are nearby residential properties, if planning permission is granted it would, in my view, be appropriate to impose a condition restricting hours construction to protect residential amenity. I recommend that works should be undertaken only between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays. It is also good practice on school sites for contractors to be required under the terms of their contract to manage construction traffic/deliveries to minimise conflict with traffic and pedestrians at the beginning and end of the school day.
97. I also consider it appropriate that details of a Construction Management Strategy be submitted for approval prior to the commencement of the development. That should include details of the location of site compounds and operative/visitors parking, details of site security and safety measures, lorry waiting and wheel washing facilities, details of how the site access would be managed to avoid peak school times, and details of any construction accesses. This document should also include the proposed removal of the existing construction access roadway from West Park Road (that was installed to construct the new pavilion) and proposals to reinstate the area back to grass and reinstate the missing section of hedging to the site boundary at the access point. Such a strategy would also address the conditions required by Highways and Transportation with regard to the construction of the development. Therefore, should permission be granted, a Construction Management Strategy would be required pursuant to condition and the development would thereafter have to be undertaken in accordance with the approved strategy.

Other matters

Concerns about possible health risks from 3G pitches

98. Objections have been raised about the possible health risks surrounding 3G pitches and that they might create a risk to health and the environment resulting from the use of 'rubber crumbs' and their loss into the watercourse. Sport England has issued a document of frequently asked questions, which was updated in April 2018.
99. The document used information from the European Chemicals Agency (ECHA) which had recently carried out an exhaustive EU-wide study and found no reason to advise people against playing sport on 3G pitches with rubber crumb. This advice is based on ECHA's evaluation that there is a very low level of concern from exposure to substances

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found in the granules. Sport England have confirmed that they are confident that 3G pitches in this country are suitable for use given that the concentration limits in the EU's regulations are set to minimise any risk to the users. In addition, ECHA reported on the 28 February 2017 that it had "*...found no reason to advise against playing sports on synthetic turf containing recycled rubber granules as infill material*".

100. Furthermore, the document states that the regulations for tyres came into force in 2010. Since then pitches have had to comply with specific concentration limits for polycyclic-aromatic hydrocarbons (PAHs). In each case the restriction is expressed as a "concentration limit" which must not be exceeded. The concentration limits include safety factors in order to minimise the risk to the user. The Environment Agency is one of the bodies responsible for enforcing the regulations in this country and its analysis and enforcement work shows a high level of compliance.

Conclusion

101. This application seeks permission for the creation of a new external 3G artificial turf pitch with associated fencing, floodlighting and associated features for school and community use. It also includes releveling and improvement to part of the remaining area of the playing field, an improvement to the remaining cricket square and reinstatement of the existing construction access to grass upon completion of the development. The proposal essentially arises from the expansion of the school and the need to address a shortfall in playing field space and the ability of the School to meet curriculum needs for sport and to provide additional space for pupils at break and lunch times. A demand for community use of the ATP has also been identified. I accept that there is an identified need for the facility for which there is strong planning policy support in the Development Plan and in the NPPF to meet community facilities both for education and for sport and recreation. The objections and concerns of local residents to the proposal particularly relating to the community use are acknowledged and therefore the potential impacts arising from the development have been given careful consideration.

102. The main impacts arising from the proximity of the development to nearby residential properties, the visual impact of the development, the impact of the floodlighting and noise from use of the ATP, the hours of use, traffic and parking issues, and other matters are discussed in some detail above. In conclusion, taking account of the proposed changes in the site levels, the existing boundary treatment and additional planting of new hedgerow, a well-designed lighting scheme, the proposed 3-metre acoustic barrier providing visual screening as well as noise mitigation, the further reduced hours which now include no community use on a Sunday, the implementation of a noise management plan, appropriate measures to deal with drainage, archaeology, ecology and construction I consider that there is no overriding reason to withhold planning permission. In the light of this and subject to these matters being covered by appropriate conditions, I do not consider that the development would result in any significant adverse impact in respect of visual, residential or local amenity, or on the local highway network or drainage, archaeology and ecology interests, and consider that it would otherwise accord with the aims and objectives of Local Plan policies and the NPPF. I recommend accordingly.

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Recommendation

103.I RECOMMEND that PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

- The standard 3 year time limit;
- The development carried out in accordance with the permitted details;
- No development shall take place until the applicant has secured a programme of archaeological field evaluation work in accordance with a written specification and timetable to be approved in writing by the County Planning Authority;
- No development shall take place until a detailed sustainable surface water drainage scheme has been submitted for approval, and thereafter shall be implemented as approved;
- An operation and maintenance manual for the proposed sustainable drainage scheme is submitted and implemented as approved;
- No development shall take place until a construction management plan, including lorry routing, access, parking and circulation within the site for contractors and other vehicles related to construction operations has been submitted for approval and thereafter shall be implemented as approved;
- Measures to prevent mud and debris being taken onto the public highway;
- Measures to protect the existing trees during construction;
- Hours of working during construction to be restricted to between the hours of 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays;
- Hours of use of the Artificial Turf Pitch limited to the hours specified in paragraph 29, including no community use or use of the floodlighting on Sundays, and limiting the amount of Friday evening use between 6.30pm and 8.00pm to 23 occasions between 1 September to 31 May;
- When community use of the ATP takes place no other external playing field facilities shall be in community use at the same time;
- A Noise Management Plan to be submitted for approval to include measures to deal with excessive noise and anti-social behaviour, as discussed above, and thereafter shall be implemented as approved;
- Details of all fencing, including the acoustic fencing to be submitted for approval, within 3 months of the date of the decision, and thereafter implemented as approved, maintained and retained;
- Details of the retaining structure to the north side of the pitch to be submitted for approval approved within 3 months of the date of the decision; and thereafter implemented as approved;
- The mesh fencing to include synthetic rubber inserts between the panels and all post fixings;
- On site car parking to be available at all times when the ATP is in use out of school hours;
- A community use agreement is submitted and approved before use of the ATP commences;
- Lighting levels not to exceed those specified within the application;
- Lighting to be installed in accordance with the submitted details and specification unless otherwise approved in writing by the County Planning Authority, and checked on site prior to the first use and any necessary adjustments made;
- Extinguishing of floodlighting when pitch is not in use;
- Hedge and tree planting scheme to be implemented as submitted within first

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- planting season and maintained for a period of not less than 5 years;
- A hedgerow management plan to be submitted for approval within 3 months of the date of the decision;
- No tree removal during the bird breeding season;
- Re-levelling of the north eastern part of the playing field and reinstatement in accordance with the submitted details;
- The construction access road to be removed upon completion of the proposed works and reinstated and grass seeded, and the access and dropped kerb off West Park Road be removed, made good and the boundary hedge reinstated.

104.I FURTHER RECOMMEND that the applicant BE ADVISED of the following informatives:

- In preparing the community use agreement the applicant should take account of the interests of the Rugby Football Union and the English Cricket Board; and
- The applicant is requested to consider the suggestion of Amey Landscape for the planting of additional trees.

Case officer – Lidia Cook

Tel No.03000 413353

Background documents - See section heading

E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents - The deposited documents.

- CA/99/599/R16A Application to vary the landscaping scheme previously approved under Condition 16 of planning permission CA/99/599. Swalecliffe Wastewater Treatment Works, Brook Road, Swalecliffe, Kent, CT5 2QH
Decision: Approved
- CA/19/1019 Proposed temporary change of use of land from a green waste composting facility to a bin storage facility
Shelford Landfill Site, Shelford Farm Estate, Broad Oak Road, Canterbury, Kent CT2 0PR
Decision: Permitted
- CA/19/1182 Use of land for temporary office buildings (part retrospective). Plots D & E, Lakesview Business Park, Hersden, Canterbury, Kent CT3 4GP
Decision: Permitted
- CA/19/1183 Temporary storage of containers on a specified area of the site (part retrospective). Plots D & E, Lakesview Business Park, Hersden, Canterbury, Kent CT3 4GP
Decision: Permitted
- SW/16/507594
RVAR Details of Site Access Road and Internal Haul Road (Condition 13a), Weighbridge Details (Condition 13b), Fencing and Gates (Condition 13c), Staff Facilities and Parking (Condition 13d and 13e), Electricity Supply for Staff Facilities (Condition 13f), Complaints Procedure (Condition 14), Traffic Management Plan (Condition 27), PROW Management Plan (Condition 28), Noise Management Plan (Condition 34), Dust Management Plan (Condition 35), Sustainable Surface Water Drainage Scheme (Condition 37), Programme of Archaeological Works (Condition 40), Arboricultural Method Statement (Condition 54) and Aftercare Scheme (Condition 56) pursuant to planning permission reference SW/16/507594. Paradise Farm, Lower Hartlip Road, Hartlip, Sittingbourne, Kent ME9 7SR
Decision: Approved

- SW/16/507594/
R43 & 44 Details of a Badger Mitigation Strategy and Reptile & Breeding Bird Precautionary Working Method Statement pursuant to Conditions 43 & 44 of planning permission SW/16/507594.
Paradise Farm, Lower Hartlip Road, Hartlip, Sittingbourne, Kent ME9 7SR
Decision: Approved
- SW/18/503317/
RVAR Details of Landscaping (Condition 14) and Flood Risk Assessment (Condition 16) pursuant to planning permission SW/18/503317.
Kemsley Paper Mill, Ridham Avenue, Sittingbourne, Kent ME10 2TD
Decision: Approved
- TM/10/2029/A2/R26 Application for prior approval for the installation of a crossover conveyor and screen configuration between the two existing wash and rinse plants pursuant to Condition 26 of Annex A2 (Original Quarry) of planning permission TM/10/2029.
Hermitage Quarry, Hermitage Lane, Aylesford, Kent ME20 7PQ
Decision: Approved

E2 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS MEMBERS' INFORMATION

Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

Background Documents – The deposited documents.

- AS/19/957 Refurbishment and resurfacing of Early Years Foundation Stage playground to provide new artificial grass, safety surfacing, canopy, sheds and fencing.
Wittersham Church Of England Primary School, The Street, Wittersham, Kent, TN30 7EA
Decision: Permitted
- CA/19/0063/R25 Details of a Piling Risk Assessment pursuant to Condition 25 of planning permission CA/19/0063
Simon Langton Girls Grammar School, Old Dover Road, Canterbury, Kent CT1 3EW
Decision: Approved
- DA/19/550 Retention of 6no. temporary classroom units (3 permitted under DA/17/1626 & a further 3 permitted under DA/18/659) for a further 12 months (until 1 September 2020) to accommodate pupils whilst the permanent accommodation permitted under consent reference DA/18/39 is provided.
Wilmington Academy, Common Lane, Wilmington, Dartford, Kent DA2 7DA
Decision: Permitted

DA/19/935	<p>Installation of 1no. single storey temporary Portakabin building to be used as a classroom for a period of 3 years. Temple Hill Primary School, St Edmunds Road, Dartford, Kent DA1 5ND Decision: Permitted</p>
DO/18/1015/R3	<p>Details of a School Travel Plan pursuant to Condition 3 of planning permission DO/18/1015. Kingsdown & Ringwould CEP School, Glen Road, Kingsdown, Deal, Kent CT14 8DD Decision: Approved</p>
DO/19/635	<p>Two existing timber framed buildings. Nonington CEP School, Church Street, Nonington, Dover, Kent CT15 4LB Decision: Permitted</p>
GR/17/0674/R17	<p>Details of a sustainable surface water drainage scheme pursuant to Condition 17 of planning permission GR/17/674. St Georges Church of England School, Meadow Road, Gravesend, Kent DA11 7LS Decision: Approved</p>
GR/17/0674/R25&30	<p>Details of on-site secure and weatherproof cycle & scooter parking and a construction management plan for Phase 1 pursuant to Conditions 25 & 30 of planning permission GR/17/0674. St Georges Church of England School, Meadow Road, Gravesend, Kent DA11 7LS Decision: Approved</p>
GR/19/657	<p>Replacement single storey entrance/reception extension. Shears Green Junior School, White Avenue, Northfleet, Gravesend, Kent, DA11 7JB Decision: Permitted</p>
MA/18/500491	<p>Replacement of two existing 3.0 metre high chain link fences with two 2.4 metre high weld mesh fences and one metre high close boarded fence above existing ragstone wall. St Michaels CEJ School, Douglas Road, Maidstone, Kent, ME16 8ER Decision: Permitted</p>
MA/19/502302	<p>Change of use application from 'C1 Hotel & D1 Provision of vocational training use' to Coroner's Courts and associated spaces, Registrar's & Ceremony facilities and Adult Education Centre. Oakwood House, Oakwood Park, Tonbridge Road, Maidstone, Kent, ME16 8AE Decision: Permitted</p>
SE/18/1520/R4	<p>Details of an Ecological Constraints & Mitigation Strategy pursuant to Condition 4 of planning permission SE/18/1520 Seal Recreation Ground Car Park, High Street, Seal, Sevenoaks, Kent TN15 0AF Decision: Approved</p>

- SE/18/1521/RVAR Details of external materials (Condition 4), roof plant (Condition 5), construction management plan (Condition 10), reptile and amphibian mitigation strategy (Condition 11), bat emergence survey and mitigation (Condition 12), surface water drainage scheme (Condition 14) and details of a scheme to deal with the risks associated with contamination of the site (Condition 16) pursuant to planning permission SE/18/1521
Seal C of E Primary School, Zambra Way, Seal, Sevenoaks, Kent TN15 0DJ
Decision: Approved
- SE/18/1521/R19 Details of a Landscaping Scheme pursuant to Condition 19 of planning permission SE/18/1521
Seal C of E Primary School, Zambra Way, Seal, Sevenoaks, Kent TN15 0DJ
Decision: Approved
- SE/19/1959 Installation of a gazebo to be used as an outdoor classroom.
Weald Community Primary School, Long Barn Road, Sevenoaks, Kent TN14 6PY
Decision: Permitted
- SW/17/501720/R4 Details of a School Travel Plan pursuant to condition 4 of planning permission SW/17/501720.
Regis Manor Primary School, Middletune Avenue, Sittingbourne, ME10 2HT
Decision: Approved
- SW/17/505854/R Non-material amendment to the teaching block and sports hall, including a reduction in ridge height, amendments to the elevations, ground levels and landscaping, and the addition of external air conditioning condensers.
Meadowfield School, Swanstree Avenue, Sittingbourne, Kent ME10 4NL
Decision: Approved
- SW/17/505854/R3 Details of external materials pursuant to Condition 3 of planning permission SW/17/505854.
Meadowfield School, Swanstree Avenue, Sittingbourne, Kent ME10 4NL
Decision: Approved
- SW/17/505854/R16 Details of Highway Improvements pursuant to Condition 16 of planning permission SW/17/505854.
Meadowfield School, Swanstree Avenue, Sittingbourne, Kent ME10 4NL
Decision: Approved
- TM/18/1924/R4 Details of a scheme of landscaping pursuant to Condition 4 of planning permission TM/18/1924.
The Judd School, Brook Street, Tonbridge, Kent TN9 2PN
Decision: Approved

TM/18/1924/R6	Details of an Ecological Mitigation and Enhancement Strategy pursuant to condition 6 of planning permission TM/18/1924. The Judd School, Brook Street, Tonbridge, Kent TN9 2PN Decision: Approved
TM/18/1924/R12	Details of a Construction Management Strategy pursuant to Condition 12 of planning permission TM/18/1924. The Judd School, Brook Street, Tonbridge, Kent TN9 2PN Decision: Approved
TW/17/3344/R15	Details of a scheme of off-site traffic calming measures to be implemented prior to occupation of the new Primary School pursuant to condition 15 of planning permission TW/17/3344. Land south of Rolvenden Road, Benenden, Kent, TN17 4DN Decision: Approved
TW/19/1610	Proposed installation of freestanding 2-storey temporary accommodation (four classrooms total). St Gregory's Roman Catholic School, Reynolds Lane, Tunbridge Wells, Kent TN4 9XL Decision: Permitted

E3 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/AS/0129/2019 - Refurbishment and resurfacing of Early Years Foundation Stage playground to provide new artificial grass, safety surfacing, canopy, sheds and fencing.
Wittersham Church Of England Primary School, The Street, Wittersham, Kent, TN30 7EA
- KCC/FH/0128/2019 - Full planning permission for the construction and operation of a waste collection point.
Land to the east of Dungeness Road, Dungeness, Romney Marsh, Kent

KCC/SCR/MA/0119/2019 - Request for a Screening Opinion to determine whether the proposed hazardous waste treatment and packaging facility requires an Environmental Impact Assessment.
Unit 1, St Michael's Close, Aylesford, Kent ME20 7XE

KCC/MA/0147/2019 - Section 73 application to vary conditions 1, 2, 6, 18 & 19 of planning permission MA/04/1168/MR43 (as amended by MA/06/2217) to: (a) extend the life of the site by 25 years; (b) amend the restoration scheme to enable additional clay extraction; (c) allow retail payments on site; and (d) increase the number of vehicle loads of finished tiles transported from the site per day from 1 to 2 using vehicles with a maximum gross vehicle weight of 7.5 tonnes; and obtain the prior approval of the County Planning Authority pursuant to conditions 5 and 10 for: (e) an amended scheme of working; and (f) a replacement kiln and clay processing building and extension to existing polytunnel storage
Babylon Tileworks, Babylon Lane, Hawkenbury, Kent TN12 0EG

KCC/SE/0127/2019 - Cessation of Existing Waste Transfer Station and Development of a New Waste Transfer Station (Amendment to Planning Permission SE/12/2790).
Dunbrik Composting Station, 2 Main Road, Sundridge

KCC/TM/0152/2019 - Section 73 application for the variation of Condition 7 of planning permission TM/14/2728 to allow for a combined total of up to 240 HGV movements per day (120 in/120 out) to take place associated with all operations and uses at the site (including landfill, recycling and restoration).
Borough Green Quarry, Wrotham Road, Borough Green, Kent TN15 8DG

KCC/TM/0171/2019 - Section 73 application for the variation of conditions W2, W3, W4 and W6 of planning permission TM/18/2549 (relating to vehicular access to the West Lake area).
Aylesford Quarry, Rochester Road, Aylesford, Kent ME20 7DX

KCC/TM/0172/2019 - Section 73 application for the variation of conditions W2, W4 and W6 and the removal of conditions W7 and W8 of planning permission TM/18/2555 (relating to vehicular access to the West Lake area and output of minerals).
Aylesford Quarry, Rochester Road, Aylesford, Kent ME20 7DX

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

None

E4 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS

- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

Background Documents -

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- *The Government's Online Planning Practice Guidance-Environmental Impact Assessment/Preparing an Environmental Statement*

None

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SECTION F KCC RESPONSE TO CONSULTATION

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 other documents as might be additionally indicated.

KCC Response to Consultations

Reports to Planning Applications Committee on 23 September 2019.

These reports set out KCC's responses to consultations.

Recommendation: To note the reports

Unrestricted

1. Introduction and Supporting Documents.

The County Council has commented on the following planning matters. A copy of the response is set out in the papers. These planning matters are for the relevant District/Borough or City Council to determine.

F1 Otterpool Park Development Ashford Road Sellindge Kent (Ref: Y19/0257/FH) - Outline application with all matters reserved

County Council's response to Folkestone and Hythe District Council on the outline planning application for the comprehensive, residential led mixed-use development at Otterpool Park. This includes up to 8,500 residential homes, a range of community uses including primary and secondary schools, health centres and nursery facilities, retail and related uses, leisure facilities, business and commercial uses, open space and public realm and improvements to the existing highway and local road network.

F2 Innovation Park Medway, Rochester, Medway, ME1 2XX

County Council's response to Medway Council on the proposed Local Development Order (LDO) and accompanying Environmental Statement (ES) in support of the creation of a mixed use business park, featuring c101,000sqm of predominantly high-tech and innovation oriented B1/B2 commercial uses.

F3 Marden Neighbourhood Plan - Regulation 16

County Council's response to Maidstone Borough Council in respect of the emerging Marden Neighbourhood Plan.

Recommendation: To note the reports

Background documents; As set out in the reports.

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Mr James Farrar
 Folkestone & Hythe District Council
 Civic Centre
 Castle Hill Avenue
 Folkestone
 Kent CT20 2QY

BY EMAIL ONLY

**Growth, Environment
& Transport**

Room 1.62
 Sessions House
 Maidstone
 Kent
 ME14 1XQ

Phone: 03000 415981
 Ask for: Barbara Cooper
 Email: Barbara.Cooper@kent.gov.uk

11 July 2019

Dear James,

**Re: Otterpool Park Development Ashford Road Sellindge Kent (Ref: Y19/0257/ FH) -
 Outline application with all matters reserved**

Thank you for inviting Kent County Council (KCC) to comment on the outline planning application for the comprehensive, residential led mixed-use development at Otterpool Park comprising:

- **Up to 8,500 residential homes including market and affordable homes; age restricted homes, assisted living homes, extra care facilities, care homes, sheltered housing and care villages**
- **Demolition of identified existing buildings**
- **A range of community uses including primary and secondary schools, health centres and nursery facilities**
- **Retail and related uses**
- **Leisure facilities**
- **Business and commercial uses**
- **Open space and public realm**
- **New planting and landscaping, and ecological enhancement works**
- **Sustainable urban drainage systems**
- **Utility and energy facilities and infrastructure**
- **Waste and waste water infrastructure and management facilities**
- **Vehicular bridge links**
- **Undercroft, surface and multi-storey car parking**
- **Creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site**
- **Improvements to the existing highway and local road network**

- **Lighting**
- **Engineering works, infrastructure and associated facilities**
- **Interim works or temporary structures required by the development and other associated works including temporary meanwhile uses.**

The County Council has consistently supported the District Council's ambition to deliver a new garden settlement at Otterpool Park, and has worked closely with the District Council in the preparation of a submission of an Expression of Interest and the Locally-Led Garden Villages, Towns and Cities Prospectus.

The County Council is aware that Folkestone and Hythe District Council has carried out a comprehensive assessment of the need for new homes to accommodate growth within the district, as part of the emerging Core Strategy Review (CSR). The CSR includes detailed policies to guide new strategic development on this site and ensure that it is a beacon of best practice environmentally, follows garden town principles and creates a strong and cohesive community. The County Council also notes the District Council's published Otterpool Park Charter, that sets out its aspirations for the new settlement.

The County Council notes that this outline application will form part of a three tier planning approach taken by the applicant; approval of an outline application, approval at key phases (including Design Codes) and finally Reserved Matters applications. It is also noted that within the documentation submitted under this outline application, the applicant has made a distinction between plans/documents submitted for approval and those providing context and background to support the application. However, at this stage in the outline application process, KCC currently has a number of concerns with the proposal, as outlined below.

- KCC, as Local Highway Authority, advises that there are a number of significant outstanding issues to be resolved with the application as currently submitted and a holding objection is placed until these matters have all been addressed in full by the applicant at the earliest opportunity. These matters are set out in chapter 1. KCC, as Local Highway Authority, is happy to meet the applicant to discuss these issues further.
- The level and quality of information that has been submitted by the applicant has in some instances restricted the ability of the County Council to properly assess the proposal and its associated impact on local infrastructure. The quality of the application material has also been impacted by the level of evaluation of both the site and the proposal.
- The County Council is concerned with some of the assumptions that the application has been based upon, such as the level of infrastructure provision. There must be agreement between the County Council and the applicant on the assumptions that the proposal is founded upon and this is set out further within the response.
- There will need to be a flexible approach assumed for the planning and delivery of this scheme to reflect potential changes in service provision, infrastructure requirements (both community and environmental) and funding. The three tier planning approach would support this. The County Council questions the approach taken by the applicant

in submitting very detailed information (such as within the phasing and parameter plans) that relate to the lifetime of the development at this early stage in the planning process. Instead, such detail should be reviewed at agreed stages throughout the development process. At this stage, the plans should show a clear understanding of the genuine vision for Otterpool Park and seek to create a more cohesive approach for the proposed development to ensure long term sustainability of the project. The County Council fully reserves the right to comment on the detail of the Parameter Plans and Phasing Plans (or any subsequent revisions) until such a time when the assumptions are agreed.

- The concerns with the Parameter and Phasing Plans include, but are not limited to, the education assumptions. The County Council has concerns relating to the proposed education provision for the site, at both primary and - more significantly - at secondary stages. As set out within this response, the County Council does not agree with the number, nor the size of, the sites currently proposed as safeguarded for education facilities. Nor is the County Council satisfied that the proposed levels of forms of entry are appropriate for a garden settlement. The applicant is urged to discuss the provision of education facilities with the County Council as the earliest opportunity to seek appropriate resolution.
- The County Council recognises that the delivery of a large scale new settlement over a long period presents its own challenges for the applicant, District Council and County Council. It creates a particular challenge for the County Council in modelling the future population and determining the likely infrastructure needs for the entire development scheme; including education and community facilities, transport and low carbon infrastructure need to deliver net zero emissions by 2050 and environmental considerations. The County Council is concerned that the applicant has not allowed for the appropriate level of infrastructure within the masterplan that will be required for the development to be sustainable and low carbon, nor considered fully the requirements for long term governance / stewardship of the infrastructure on the site. There is also a lack of consideration of some infrastructure items (for example, social care, special educational needs and public health), which will need to be fully addressed by the applicant. The applicant should also note that any changes to housing quantum will require remodelling and the applicant will have to build this into timescales for delivery.
- All County Council services and infrastructure must be captured in the planning, phasing and delivery of the new settlement, to ensure that services are funded, delivered to a high standard and well maintained in the long term. The commitment to infrastructure delivery is critical to the acceptability of the scheme. In recognition of both the scale and complexity of this project, the County Council looks to contribute effectively to detailed negotiations and will expect to be a signatory to the section 106 agreement for this outline application as agreed in the Planning Performance Agreement (June 2016) paragraph 13.6.

The matters set out within this response are necessary to mitigate the impacts of the Otterpool Park garden settlement proposal on the provision of those services for which the County Council has a statutory responsibility.

The County Council would welcome engagement at the earliest opportunity with the applicant, District Council and relevant stakeholders to discuss the matters raised in this response. The County Council will also engage with the relevant parties, to review and understand any relevant infrastructure funding that may be available to support the viability of this development and ensure the necessary infrastructure is delivered. KCC will continue to work closely with the District Council and other stakeholders and with the applicants to ensure that Otterpool Park is delivered to a high level of design, providing necessary infrastructure and a sustainable community.

The County Council has reviewed the application in its entirety and has an extensive commentary to raise in response to the submitted material, set out clearly in a subject chapter format.

The County Council continues to support the positively planned delivery of a new garden settlement at Otterpool Park supported by the timely provision of infrastructure in a truly green setting. This strategic location offers a unique range of opportunities to deliver a sustainable settlement of the highest quality, founded on garden city principles. Otterpool Park can offer an exceptional response to the demonstrable need for new homes by maximising the existing strengths of the area and embracing new and emerging environmental technologies to deliver a healthy, inclusive and thriving community.

However, as this response highlights, there are a number of matters that require addressing ahead of determination of this planning application to ensure delivery of this aspiration. The resolution of these matters is essential to ensure that KCC is satisfied that the garden settlement will deliver a sustainable community. KCC wishes to ensure that its infrastructure and services continue to be funded and delivered to a high standard and that a sustainable settlement is created at Otterpool Park. We welcome further meetings with the applicant to discuss the issues raised within this response to ensure they are satisfactorily addressed.

The County Council would like to thank the Council and its officers for the collaborative approach they have taken to date and look forward to continuing this cooperative relationship for the benefit of both existing and future residents of Folkestone and Hythe and the wider County.

If you require any further information or clarification on any matter, then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in blue ink that reads "B. Cooper". The signature is written in a cursive style with a large initial "B" and a trailing flourish.

Barbara Cooper
Corporate Director – Growth, Environment and Transport

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1. Highways and Transportation

This planning application follows on from almost two years of pre-application discussions between the applicant and KCC in its role as Local Highway Authority.

A Transport Assessment and Framework Travel Plan has been submitted with this planning application. There are, however, a number of significant concerns with the Transport Assessment as currently submitted. These are addressed in the order presented in the Transport Assessment.

1.1 Transport Assessment

The scope of the submitted Transport Assessment is as agreed with KCC Highways and Transportation.

The highway capacity study area is as agreed with KCC Highways and Transportation. This is set out in Figure 1 of the Transport Assessment.

A VISSIM (micro-simulation) model has been produced by the applicant to assess local junctions that are most impacted by this development. The VISSIM model however is not included in the Transport Assessment. KCC is therefore not able to confirm the adequacy of the model, the model outputs or whether or not the proposed mitigation that is outlined is acceptable. A Local Model Validation Report also needs to be submitted, which validates the base model and outputs in the VISSIM model.

The proposed assessment years are acceptable, as they include the end of the Local Plan period at 2037, full build out of the 8,500 dwellings and associated land uses as submitted in this current planning application at 2044 and full build out of the 10,000 dwellings at 2046.

2018 Baseline Highway Capacity

There are a number of junctions within the Study Area that operate in excess of capacity. For traffic signal junctions, this equates to a Degree of Saturation (DoS) of more than 90% or for priority or roundabout junctions, a Ratio to Flow Capacity (RFC) of more than 0.85. These are as follows:

- A20 Ashford Road / A261 Hythe Road in the AM Peak. The Hythe Road arm has an RFC of 0.87 together with a queue of six vehicles and an average delay of 89 seconds.
- M20 Junction 9 (Ashford) in the PM Peak. The Trinity Road arm has a DoS of 92% together with a queue of 16 vehicles and a delay of 45 seconds. The M20 Eastbound off-slip arm has a DoS of 91.3% together with a queue of ten vehicles and an average delay of 37 seconds.
- B2064 Cheriton High Street / A2034 Cherry Garden Avenue in both the AM and PM Peaks.

The B2034 (Beachborough Road) arm has a DoS of 91% in the AM Peak and 94% in the PM Peak together with queues of 23 and 27 vehicles respectively and delays of 99 and 95 seconds. The A2034 (Cheriton Road) westbound arm has a DoS of 94.1% in the PM Peak together with a queue of thirteen vehicles and delay of 77 seconds.

- Old Dover Road / St Lawrence Road / The Drive (Canterbury) in both the AM and PM Peaks. Three arms operate in excess of capacity in the AM Peak (Old Dover Road westbound, Old Dover Road eastbound and St Lawrence Road) with DoS's of 98%, 95% and 99%. One arm operates in excess of capacity in the PM Peak (Old Dover Road eastbound) with a DoS of 101%.
- Nackington Road / Old Dover Road (Canterbury) in the AM Peak. The Nackington Road arm operates in excess of capacity with a DoS of 97% together with a queue of 25 vehicles and a delay of 94 seconds.

Road Safety – Personal Injury Data

The personal injury accident data search is considered out of date as it does not include the most up to date 5-year crash period. The applicant is required to obtain the most up to date 5-year statistics and then re-submit this accordingly. The Local Highway Authority needs to understand if there are any new highway safety issues on the local highway network since the previous crash search was undertaken.

The Newingreen Junction (Junction of Ashford Road, Hythe Road and Stone Street) does however appear on KCC's 2018 Crash Remedial List due to the significant number of crashes at this junction within the past three years. There are no small-scale interventions that can be done at this junction to improve the safety record and the Highway Authority is currently exploring large scale changes to the junction, both to improve capacity and safety at this junction. The County Council notes that the applicant has not submitted a mitigation plan for this junction.

Otterpool Park Transport Strategy

Walking and Cycling Strategy - The Walking and Cycling Strategy discusses off-site connection improvements to Hythe, Folkestone, Westenhanger Station access and destinations to the north of HS1 and the M20. No detailed plans have, however, been submitted showing what improvements are proposed to these destinations from the application site. Detailed plans are required to be submitted showing these improvements, together with a Stage 1 Road Safety Audit if this subsequently results in changes to the public highway. KCC in its position as Local Highway Authority would welcome further discussions with the applicant in this regard.

Bus Network and Services - KCC supports the proposal within the Transport Assessment for the provision of bus services to serve the Otterpool Park site. The strategy plan showing two indicative routes (serving the northern and southern parts of the development site) will ensure that the vast majority of homes will be within a 400 metre walking distance of a bus stop.

Detailed discussions are required with Kent County Council's Public Transport Team and Stagecoach East Kent to agree the necessary Section 106 funding for routes, frequencies and appropriate trigger points for when these new services will be introduced. The delivery of bus stop facilities; including shelters, raised kerbs and bus stop clearways will also need to be secured through the proposed section 106 agreement. As such, further discussions with the applicant are required.

Highway Access Strategy - Upgrade of the A20 Ashford Road - The existing A20 link between the U-Turn roundabout south of M20 Junction 11 and the Newingreen Junction is currently operating well in excess of its 13,000 daily vehicle movement theoretical capacity, with estimated flows of over 18,000 vehicles a day based on the 2018 base year. As such, any significant development on this section of the A20 would be expected to make significant improvements to the road. This application is proposing a dual carriageway urban road with a 40mph speed limit. This will provide sufficient capacity for this section of the A20 for both the application proposal and the eventual 10,000 dwellings, as set out in the Core Strategy Review. An alignment plan has been submitted showing the detail of the proposal (OP-ARC-XXX-DR-T-0001 Revision P4). However, the plan is not of sufficient detail for KCC to confirm the adequacy of it. There are no details of the tie in with the existing A20 at the Newingreen junction, the cross-section details cannot be read and there are no details of the proposed footpath / cycle path crossing across the new road. The alignment plan should also be of a better scale for the Local Highway Authority to consider what is being proposed. KCC would also request clarity on whether the applicant is seeking the approval of this plan as part of the outline planning permission.

Newingreen Link - A new Newingreen Link is proposed through the site to tie in the existing A20 with a new junction at a point to the west to Newingreen. In principle the diversion of the A20 through the site is supported by KCC as this takes traffic away from the congested Newingreen junction. An alignment plan has again been submitted showing the detail of the proposal (OP-ARC-XXX-DR-T-0002 Revision P4). However, the plan is not of sufficient detail for KCC to confirm the adequacy of it. There are no details of the tie in with the existing A20 to the west of the Newingreen junction and the cross-section details cannot be read. The alignment plan should also be of a better scale for the Local Highway Authority to consider what is being proposed. The applicant should clarify as to if they are seeking the approval of this plan as part of the outline planning permission. Furthermore, there is the need for Nu-Steel articulated vehicles to transverse this link and associated junctions, so vehicle tracking needs to be undertaken for a 50 metre long articulated vehicle to show that it can use the link road and junctions.

Otterpool Park Footpath Layout (Drawing Number: OP-ARC-XXX-DR-T-0006) - A combined footway / cycleway is also required along the northern side of the A20 in between the proposed western signal junction with the A20 and where the footway / cycleway is currently proposed on the drawing. This can however be provided later on in the development when the development to the northern side of the A20 comes forward. It is not acceptable for pedestrians / cyclists to have to cross the A20 twice to reach the proposed footway / cycleway on the northern side of the A20. The drawing and intention should therefore be amended showing a 3.5 metre wide combined footway / cycleway on the northern side of the A20.

Future Baseline Highway Conditions

Committed / Planned Developments - The Nickolls Quarry site off Dymchurch Road, Hythe needs to be included as a committed development. Only a small proportion of the houses permitted have since been built on this site.

The list of committed highway schemes is acceptable.

Development Trip Generation

The Trip Generation by Land Use tables (Tables 28-30) do not include details of multi-modal trip rates for each residential unit, extra care unit or the various other use classes as would normally be expected in any Transport Assessment. It is not currently clear how these trip generation figures have been calculated. A summary table therefore needs to be produced showing the proposed multi-modal trip for each residential unit / extra care unit / hotel bedroom / 100sqm of commercial use and the proposed D1/D2 uses according to the proposed land use class. This will enable KCC to undertake its own TRICS assessment of the proposed land use classes. Only sites with a population range of up to 125,000 within a 5-mile radius should be used, as these will represent the population characteristics of the Otterpool Park site.

The business park TRICS outputs submitted currently use sites with a far greater population range and therefore needs to be re-run accordingly.

The proposed extra care housing (C2) should be assessed against Sheltered Housing in TRICS. This is because there will be an element of care that is provided on-site and is not a general C3 residential use like retirement flats. A new TRICS analysis is therefore required, based on sheltered housing land use class in TRICS.

The proposed trip generation cannot be agreed until this analysis is undertaken.

Development Trips by Mode

The methodology used to calculate development trips by mode is acceptable to KCC, as Local Highway Authority.

The proposed internal and external trip mode splits by trip purpose is acceptable to KCC, as Local Highway Authority.

Table 34 - Allocation of Mode Splits by Trip Purpose to Land Use - The proposed modal split allocation for A2 Business Land Use, Trip Purpose (Personal Business) should be 'personal business' rather than 'leisure'" and should be revised.

The proposed internal and external trips by mode cannot be agreed until the total multi-modal trip rates are agreed. Furthermore, it is not clear how these trips have been calculated in Tables 35-37 based on the trip generation summary in Table 31. It is requested that the applicant provides detailed justification as to how these trip rates have been calculated.

Development Trip Distribution

The assumptions made in the development trip distribution are acceptable to KCC, as Local Highway Authority. The likely effect on key roads as set out in Tables 41 to 43 can however only be agreed once the proposed trip rates and internal / external trips have been revised and agreed as set out above.

Effects on Sustainable Transport Modes

Effects on Pedestrian Network - Part of this section discusses proposed improvements to PRow HE 281 across the A20 as a result of the proposed dualling. It is proposed that this crossing is staggered, and a central refuge is provided. This is acceptable to KCC Highways and Transportation given the improvements to visibility for pedestrians and the need to minimise delay to vehicular traffic. Nonetheless, there will be an increase in demand of the above PRow that goes through Sandling Park and this is evidenced in Table 49 which suggests that there could potentially be 79 pedestrian movements in the AM Peak and 60 pedestrian movements in the PM Peak. The potential for surfacing improvements to this PRow and PRow 291 (Bridleway) should be investigated in conjunction with the KCC Countryside Access Improvement Plan Officer in order to make this a more attractive all-weather pedestrian route to Hythe.

Effects on Cycle Network - The A261 Hythe Road is likely to attract the greatest number of external cycle trips. It is however not conducive to cycling due to it being a heavily trafficked, high speed road with poor alignment. The Transport Assessment does however highlight there will be an increase in demand for cycling routes to Hythe and so the potential to create an improved cycling route should be investigated. A more attractive route for cyclists does exist via Stone Street, Aldington Road and then the restricted byway known as Old London Road. This will however require the complete re-surfacing of this restricted byway to make it more attractive for cyclists. The potential for surfacing improvements should also be investigated in conjunction with the PRow team at KCC.

Effects on Bus Network - It is expected that the proposal will generate a significant increase in the use of the number 10 service that runs between Ashford and Folkestone. Table 51 of the Transport Assessment predicts that the proposal will generate almost 300 bus passengers per hour in the AM Peak and almost 220 bus passengers in the PM Peak. The Transport Strategy for the application suggests a bus service frequency of four to six buses an hour. For almost 300 bus passengers an hour it is suggested that at least six buses an hour are required to serve the site. There is also predicted to be an element of internal bus-only trips in the AM Peak with almost 100 bus passengers and in the PM Peak almost 80 bus passengers. These could either be accommodated on the suggested improvements to the 10 service or by the provision of a brand-new shuttle service that runs around the application site. As such, KCC, as Local Highway Authority would welcome further discussions with Stagecoach East Kent, Folkestone and Hythe District Council and the applicant to discuss funding requirements for these service improvements.

Effects on Rail Network - Any improvements to the facilities and increase in the use of Westenhanger station as a result of the proposed development will need to be considered by Network Rail, South Eastern (the train operating company) and the KCC Principal Transport Planner for Rail within the Transport Policy team. KCC would however welcome discussions on the bus service interchange, improved cycle parking and improved access for all to the station. This is a very important issue and needs to be addressed prior to the determination of the outline planning application.

Junction Capacity Assessments

A plan needs to be submitted showing the location of the new junctions on the A20 Ashford Road and B2067 Otterpool Lane. It is currently not clear where some of the junctions that are proposed in Table 54 will be located. Paragraph 11.1.7 is incomplete as the location of these junctions has not been previously noted in the Transport Assessment.

KCC, as Local Highway Authority, does not typically accept priority cross-roads junctions as many tend to have a poor safety record. A priority cross-roads junction is proposed (Junction 38 in Table 4). This is not acceptable for a road with a national speed limit (60mph). An alternative junction design therefore needs to be designed.

A number of junctions are proposed to go over capacity (either a Degree of Saturation (DoS) of more than 90% or a Ratio to Flow Capacity (RFC) of more than 0.85) in future year assessments which include the proposed development. These scenarios are based on a Do-Minimum (levels of traffic growth on the highway network and the numbers of dwellings and jobs in the Core Strategy Review spread throughout the District) and Do-Something (levels of traffic growth on the highway network and the proposed development at Otterpool Park). These scenarios are as follows:

- M20 Junction 11 in the 2037, 2044 and 2046 Do-Something scenario.
- Hythe Road (A20) / The Street in a 2046 Do-Something scenario.
- Aldington Road / Stone Street in the PM Peak in a 2044 and 2046 Do-Something scenario.
- A20 Ashford Road / A261 Hythe Road in all future year scenarios.
- A20 Ashford Road / Stone Street in the AM Peak in a 2037, 2044 and 2046 Do-Something scenario.
- Aldington Road / Lympe Hill in the AM Peak in a 2044 and 2046 Do-Something scenario.
- A259 / Dymchurch Road / Military Road in all future year scenarios.
- A259 Prospect Road / A259 East Road / Station Road / High Street in the AM Peak in all future year scenarios.

- M20 Junction 13 in the 2037 Do-Something PM Peak, 2044 Do-Something AM and PM Peaks and 2046 Do-Something AM and PM Peaks.
- M20 Junction 9 in the PM peaks for a 2037, 2044 and 2046 Do-Something scenarios.
- B2064 Cheriton High Street / B2063 Risborough Lane in all future year scenarios.
- B2064 Cheriton High Street / A2034 Cherry Garden Avenue in all future year scenarios.
- A259 Prospect Road / Stade Street in all future year Do-Something scenarios.
- Barrow Hill 1-way in all future year Do-Something scenarios.
- A260 Spitfire Way / White Horse Hill / A20 Slip Roads in all future year Do-Something scenarios.
- Alkham Valley Road / A20 slip roads in all future year Do-Something scenarios.
- A260 Canterbury Road / Alkham Valley Road in all future year Do-Something scenarios.
- A20 Ashford Road small roundabout in a 2037 AM Peak Do-Something scenario and AM and PM peaks in a 2044 and 2046 Do-Something scenario.
- Nackington Road / Old Dover Road / St Lawrence Road / The Drive in the PM peak in all future year scenarios.

The above junctions are discussed below:

M20 Junction 11

M20 Junction 11 goes over capacity between the 2037 and 2044 Do-Something scenario. In a 2044 Do-Something scenario in the AM Peak Hour the M20 Westbound Off-Slip has an RFC of 0.94, queue of twelve vehicles and a delay of 34 seconds and the M20 Eastbound Off-Slip has an RFC of 0.87, queue of six vehicles and a delay of 28 seconds. In the PM Peak Hour the M20 Westbound Off-Slip has an RFC of 0.96, a queue of fifteen vehicles and a delay of 46 seconds, the M20 Eastbound Off-Slip has an RFC of 1.27, a queue of 120 vehicles and a delay of six minutes and the B2068 Stone Street has an RFC of 0.94, queue of nine vehicles and a delay of 73 seconds.

A mitigation scheme is therefore required for this junction. A mitigation scheme is proposed which involves part signalization of the roundabout and new lane markings on the roundabout and the eastbound on and off slips. This brings the junction to within capacity with a maximum DoS of 84.9% on the M20 Westbound Off-Slip. Unfortunately, no plans are submitted of this proposed mitigation scheme nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation and Highways England can assess the proposed mitigation scheme.

Hythe Road (A20) / The Street

This junction is only predicted to operate in excess of capacity in a 2046 Do-Something scenario with The Street arm going over the 0.85 RFC in the AM Peak and PM Peak. The PM peak hour is especially bad for delay and queuing with an RFC of 1.05 and a delay of approximately three and a half minutes. As described above this arm of junction only falls apart between 8,500 and 10,000 dwellings being proposed at the Otterpool Park site. The current application is for 8,500 dwellings and so it would not be reasonable to request that this current application delivers a mitigation scheme at the junction. A new link road is also being provided from the William Harvey Hospital emergency access and Hinxhill Road, which connects directly onto the A20 (Hythe Road) opposite the Tesco service access. This will reduce traffic flows on The Street as Hinxhill Road is proposed to be closed to vehicle traffic as a result of this link road being constructed. In order to assess the impact of this scheme being delivered, KCC will require the applicant to undertake new junction assessments of this roundabout (ARCADY) in 2037, 2044 and 2046 to determine the impact of the development on this roundabout. If the modelling results are worse than predicted, then a mitigation scheme to provide two-lane queuing on The Street arm is likely to be required.

Aldington Road / Stone Street

This junction is predicted to operate in excess of capacity in a 2044 and 2046 Do-Something scenario with Stone Street arm going over the 0.85 RFC in the PM Peak. It should be noted that the roads are labelled incorrectly in Tables 68 and 69 and it is the Stone Street arm of the junction that will go over capacity in a 2044 and 2046 Do-Something scenario. As the delay per vehicle is more than twenty seconds (increase in delay from twelve seconds to 46 seconds and a queue increase of four vehicles from a 2044 DM scenario to a 2044 DS Scenario) a mitigation scheme is required.

A20 Ashford Road / A261 Hythe Road and A20 Ashford Road / Stone Street

This junction is predicted to operate in excess of capacity in all future year scenarios even with the proposed flaring improvement scheme on the Hythe Road arm of the junction as agreed through the Quinn Estates application in Sellindge (Y16/1122/SH). The Hythe Road arm is the worst affected arm of the junction, with queuing on Stone Street also way in excess of normal acceptable capacity limits. The Do-Something scenarios have a much worse effect on capacity than the Do-Minimum scenarios. As part of the current proposal, the Newingreen Link road to the north of the Newingreen junction is proposed. This will tie back into the A20 further west of the junction and would divert a substantial amount of traffic routing along the A20 away from the junction. This in itself will have a significant positive impact on traffic conditions at the Newingreen junction. The proposed development will however attract increased vehicle trips along both Hythe Road and Stone Street. Both arms of the junction are over capacity in the Do-Minimum 2037 scenario and the addition of development traffic along these roads especially in the AM Peak will further worsen delays at the junction despite the diversion of the A20 through traffic to the Newingreen Link road. The 2044 Do-Something scenario as set out in Table 73 predicts intolerable queuing on the A261 Hythe Road arm and the Stone Street arm in the AM Peak and so it is evident that a further mitigation scheme is

required at this junction.

The mitigation scheme as proposed requires the signalisation of all arms of the junction. Table 75 demonstrates a signalisation scheme is proposed to operate within practical capacity on all approaches. The signalisation scheme increases capacity and reduces delay compared to a Do-Minimum scenario. A mitigation scheme in the form of a traffic signal junction is therefore accepted in principle by KCC, as Local Highway Authority. No plans are submitted of this proposed mitigation scheme, nor a Stage 1 Road Safety Audit. These are required so that KCC can assess the proposed mitigation scheme. Unfortunately, the LinSig Data for the PM scenarios found in Volume 4 of the Transport Assessment does not match with the model outputs found in tables 74 and 75 and so the output tables should be changed accordingly.

Aldington Road / Lympne Hill

The junction modelling results predict that the junction will operate within practical capacity in the 2037 Do-Minimum and Do-Something scenarios. The 2044 Do-Something scenario predicts the junction will go over capacity in the AM Peak with the Lympne Hill arm having an RFC of 0.9, a queue of seven vehicles and a delay of 57 seconds. In a 2046 Do-Something scenario, the junction will go over capacity in the AM Peak with the Lympne Hill arm having an RFC of 0.92, a queue of eight vehicles and a delay of 65 seconds. Since traffic counts were undertaken for this junction in 2016/2017, a traffic calming scheme has been implemented on Lympne Hill and Aldington Road with a reduction in the speed limit to 30mph, speed cushions and a raised table at the junction of Aldington Road / Lympne Hill. KCC hopes that this will reduce traffic along West Hythe Road and Lympne Hill. Due to the fact that the Lympne Hill arm of the junction will only be operating slightly over capacity it is agreed that no mitigation will be proposed at this current time. In order to assess the impact of the traffic calming scheme that has been delivered, KCC will require the applicant to undertake new junction assessments of this junction (PICADY) in 2037, 2044 and 2046 to determine the impact of the development on this junction at this time. If the modelling results are worse than predicted, then a mitigation scheme to provide additional capacity at this junction will be required.

A259 / Dymchurch Road / Military Road

This junction is currently approaching capacity at the signalised pedestrian crossing point located by Sainsbury's on Military Road. This crossing point is a key pinch point on the gyratory in Hythe as Military Road is lined as two lanes wide but operates as single lane only due to the presence of parked vehicles on the southern side of the carriageway. The parked vehicles also cause a merge issue at the eastern side on Military Road as two streams of traffic enter from the A259 and the A261 (London Road). Only a single lane of traffic can continue along the A261 Military Road and through the pedestrian crossing. From site visits undertaken, this causes long queues on Military Road when the pedestrian crossing is called.

In a 2037 Do-Minimum scenario the stop line will operate above practical capacity with a DoS of 94% in the AM Peak and 93.3% in the PM Peak. This causes a maximum queue of 27 vehicles in the AM Peak. This almost blocks back to the junction and the issue of vehicles having to merge in turn will further worsen queuing.

The 2037 Do-Something scenario demonstrates that the stop line will go over a 100% practical capacity with a DoS of 102.8% in the AM Peak and 101.6% in the PM Peak. This causes a maximum queue of 57 vehicles and will result in blocking of the junction and also the potential to block the junction of Dymchurch Road / Scanlons Bridge Road to the south. The Scanlons Bridge right-turn into Military Road is also over capacity at 101.5% in the PM Peak due to the signal timing optimiser restricting traffic entering Military Road due to reducing the amount of available green time. This congestion and queuing would only get worse in a 2044 and 2046 DM and DS Scenario.

The applicant is proposing a mitigation scheme to ensure that the junction is brought back to capacity. This involves parking restrictions along the southern side of the carriageway between Sainsbury's access and the signalised pedestrian crossing point. The restrictions are also required between the pedestrian crossing point and the bus stand at the eastern end of Military Road. This will enable a two-lane section of carriageway from Sainsbury's access to the end of Military Road. It is suggested that parking restrictions are also required on the southern side of Military Road between the junction with Scanlons Bridge Road and Sainsburys access. This proposed mitigation scheme will bring the junction back to within capacity under all future year Do-Something scenarios. It should be noted that no person has a right to park on the highway as the sole purpose of the highway is for the movement of vehicles. Furthermore, there is a pay and display car park in close proximity to Military Road where vehicles can be parked. Unfortunately, no plans are submitted of this proposed mitigation scheme nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation can assess the proposed mitigation scheme.

A259 Prospect Road / Station Road / High Street

This roundabout junction is currently operating within capacity. It will only go over capacity in a 2037 Do-Something scenario on Prospect Road with an RFC of 0.87, a queue of six vehicles and a delay of 21 seconds. This is not considered to be severe. Even in a 2044 Do-Something scenario on Prospect Road, the RFC only goes up to 0.88 together with a queue of seven vehicles and a delay of 22 seconds. Again, this is not considered to be severe enough to require a mitigation scheme.

M20 Junction 13

The roundabout junction is currently operating within capacity. It will only go over capacity in a 2037 Do-Something scenario on Castle Hill Bridge in the PM Peak with an RFC of 0.89, queue of seven vehicles and a delay of 20 seconds. In a 2044 Do-Something PM Peak scenario, the RFC on Castle Hill Bridge goes up to 0.95 together with a queue of thirteen vehicles and a delay of 35 seconds. The Churchill Avenue arm also goes over capacity within the AM Peak with an RFC of 0.88 together with a queue of seven vehicles and a delay of 17 seconds. In a 2046 Do-Something PM Peak scenario, the RFC on Castle Hill Bridge goes up to 0.96 together with a queue of fifteen vehicles and a delay of 38 seconds. The Churchill Avenue arm is also over capacity in the AM Peak with and RFC of 0.88, together with a queue of seven vehicles and a delay of nineteen seconds.

In paragraph 11.11.8 of the Transport Assessment, a mitigation scheme is discussed for

Churchill Avenue to provide a greater length of two-lane queuing on the approach to the roundabout. This apparently allows Churchill Avenue to operate at capacity. Unfortunately, no plans are submitted of this proposed mitigation scheme nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation can assess the proposed mitigation scheme.

Given the sensitive location of the Castle Hill Bridge to the M20 Eastbound off-slips, a robust monitoring regime of the roundabout is also required. KCC will require the applicant to undertake new junction assessments of this roundabout (ARCADY) in 2037, 2044 and 2046 to determine the impact of the development on this roundabout. If the modelling results are worse than predicted, then a mitigation scheme on the Castle Hill Avenue arm is likely to be required.

M20 Junction 9

The roundabout is predicted to operate in excess of capacity in a 2037 Do-Minimum scenario on the Trinity Road with a DoS of 95.1% a queue of 21 vehicles and a delay of 36 seconds. The 2037 Do-Something scenario is better in terms of capacity with the DoS at 93.3%, together with a queue of eighteen vehicles and a delay of 30 seconds. This is likely to be because of a decrease in demand of vehicles exiting Trinity Road and a greater number of vehicles coming off the roundabout from a westbound direction. In a 2044 Do-Minimum scenario, the Trinity Road arm goes up to a DoS of 97.9% together with a queue of 27 vehicles and a delay of 48 seconds. In a Do-Something scenario, the Trinity Road arm goes up to a DoS of 99% together with a queue of 30 vehicles and a delay of 56 seconds. The M20 Slip Road westbound DoS goes up to 99%, together with a queue of seventeen vehicles and a delay of 86 seconds. The M20 Slip Road eastbound DoS goes up to 93% together with a queue of fifteen vehicles and a delay of 41 seconds.

The result of the increase in queuing on the Trinity Road arm of the roundabout means that there is the potential for blocking back to the Rutherford Road roundabout as a result of the increase in queuing from 27 vehicles to 30 vehicles in lanes 2 and 3. As such, a mitigation scheme is required for the Trinity Road arm of the roundabout.

Issues regarding increased queuing on the slips roads are a matter for Highways England who manage the Strategic Road Network (SRN). However, it should be noted that the increase in delay on M20 Slip Road westbound in the PM Peak is more than 40 seconds when compared to a Do-Minimum scenario. As such, a mitigation scheme on this arm of the roundabout is likely to be required.

The applicant is proposing a mitigation scheme at the roundabout by extending the exiting flare on Trinity Road by 30 metres. This increases the capacity on the approach and also provides additional stacking space. The applicant is also proposing to amend the lane allocations on Trinity Road such that the middle lane can be shared for ahead and left turn movements. This will require lane marking and road sign changes. A uniform cycle time for the junction is proposed of 65 seconds in the AM Peak and 72 seconds in the PM peak hour for a 2044 Do-Something scenario. This subsequently results in the AM Peak operating within practical capacity. The PM Peak is predicted to operate above practical capacity with a

maximum DoS of 93.5%. This is however better than the Do-Minimum scenario and therefore represents a net benefit in capacity. In a 2046 Do-Something scenario there is again a reduction in the DoS on Trinity Road but a slight increase in the DoS on the M20 Slip Road westbound. On balance the queuing across the junction goes down and so does delay.

Unfortunately, no plans are submitted of this proposed mitigation scheme nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation can assess the proposed mitigation scheme.

Regrettably, the LinSig data in volume 4 of the appendices also does not tally up with the model outputs in the Transport Assessment. This should be clarified by the applicant.

B2064 Cheriton High Street / Risborough Lane

This signalised junction is currently operating just within capacity, based on a 2018 base year. The junction is predicted to operate well in excess of capacity in a 2037 Do-Minimum scenario. The Stanley Road arm will operate with a DoS 106.1%, the Risborough Lane arm operate with a DoS of 106.3% capacity and the Cheriton High Street Eastbound arm operate with a DoS of 106% in the AM Peak and Risborough Lane arm operate with a DoS of 126.9% and the Cheriton High Street Westbound arm operate with a DoS of 123% in the PM Peak.

The 2037 Do-Something scenario predicts worsening queuing and delay. The Stanley Road arm will operate with a DoS 111.7 %, the Risborough Lane arm operate with a DoS of 125% capacity and the Cheriton High Street Eastbound arm operate with a DoS of 127.9% in the AM Peak and Stanley Road operating with a DoS of 90.6%, Risborough Lane operating with a DoS of 156.7% and the Cheriton High Street Westbound arm operating with a DoS of 151.5% in the PM Peak.

Separate tables are required for a 2044 DM and DS scenario and a 2046 DM and DS scenario. The impact on this junction of the Otterpool Park proposal in a 2037 scenario can be seen as severe and therefore a mitigation scheme needs to be delivered by the Otterpool Park development. Unfortunately, no mitigation scheme has been submitted currently. KCC, as Local Highway Authority would welcome further discussions with the applicant on this matter.

B2064 Cheriton High Street / Cherry Garden Avenue

This signalised junction is currently operating at just above practical capacity in the Base 2018 AM and PM Peak with a maximum DoS of 91% and 94% respectively. The junction is predicted to operate well in excess of capacity on three arms of the junction in a 2037 Do-Minimum scenario. The A20 Cherry Garden Avenue arm will operate with a maximum DoS of 96.4%, A2034 Cheriton Road westbound arm operate with a maximum DoS of 94%, B2034 Beachborough Road arm operate with a DoS of 96.1% in the AM Peak. In the PM peak, the A20 Cherry Garden Avenue arm will operate with a maximum DoS of 102.2%, A2034 Cheriton Road westbound arm operate with a maximum DoS of 97.7%, B2034 Beachborough Road arm operate with a DoS of 103.9%.

A mitigation scheme has been put forward by the applicant, which demonstrates that the

junction will operate within capacity in 2037 and 2044 Do-Something scenarios. The applicant is proposing to run the right hand turns from Cherry Garden Avenue and Beachborough Lane together in order to deliver capacity improvements at the junction. This would reduce the number of stages from five to four. Parking restrictions are also proposed on the Cheriton Road westbound exit after the bus stop. This will result in further stacking capacity for the right-hand turn lane. Unfortunately, no plans are submitted of this proposed mitigation scheme, as the junction is very constrained in terms of carriageway available nor a Stage 1 Road Safety Audit. These are required so that KCC, as Local Highway Authority can assess the proposed mitigation scheme.

For the 2046 Do-Something scenario, the junction is predicted to operate over practical capacity in the PM peak, but this is still better than a 2037 Do-Minimum scenario.

The LinSig data for the mitigation scheme in volume 4 of the appendices also does unfortunately not tally up with the model outputs in the Transport Assessment. This should be clarified with the applicant.

A259 Prospect Road / Stade Street

This T-junction is currently operating within capacity in the Base 2018 AM and PM Peak. In a 2037 Do-Minimum scenario the Stade Street arm goes over capacity in the PM peak with an RFC of 1.05, a queue of ten vehicles and a delay of almost four minutes. In a 2037 Do-Something scenario the Stade Street arm goes over capacity in both peaks with a RFC of 0.95 in the AM peak together with a queue of seven vehicles and a delay of almost three minutes and an RFC of 1.24 in the PM peak, together with a queue of nineteen vehicles and a delay of almost seven minutes. The increase in delays will mean that the junction of Stade Street just to the south of The Tin Tabernacle will be blocked.

In a 2044 Do-Minimum scenario, the RFC will be 0.86 in the AM Peak together, with a queue of four vehicles and a delay of 1 minute 45 seconds. In the PM Peak the RFC will be 1.1 together with a queue of twelve vehicles and a delay of four and half minutes. In a 2044 Do-Something scenario the RFC will be 1.04 in the AM Peak together with a queue of ten vehicles and a delay of 3 minutes 45 seconds. In the PM Peak the RFC will be 1.56 together with a queue of 29 vehicles and a delay of almost eleven minutes.

The traffic flows on Stade Street are relatively low at approximately three vehicles a minute. The PICADY modelling, which has been undertaken assumes a one-hour profile and assumes that traffic flows will have a normal distribution within the peak hour. This means that the demand is 22% higher in the middle 30 minutes of the peak hour compared with the fifteen minutes either side. This means that the junction is predicted to be over capacity for 30 minutes within the peak hour.

This simple junction modelling does not take into account the benefits to traffic on Stade Street from the pedestrian crossing on Rampart Road. This pedestrian crossing is heavily called as it acts as the main crossing point between the High Street and the Royal Military Canal, Seafront and the recreational areas to the south. Because of this, KCC has asked for the junction to be modelled with the pedestrian crossing in LinSig. The junction has been re-

modelled in a 2044 PM peak scenario and has been tested based on the pedestrian crossing being called at different frequencies. The Highway Authority has also requested that a scenario in which 'Keep Clear' markings are added to the A259 Eastbound lane on approach to the pedestrian crossing is considered. This will allow right turners from Stade Street to turn into Rampart Road when the pedestrian crossing is called. The results of the LinSig assessment in Table 117 indicate the frequency at which the pedestrian crossing is called does have an impact on the performance of the Stade Street arm of the junction with junction performance improving at lower frequencies i.e. the crossing being called more. The junction is predicted to operate within practical capacity in the DM 2044 PM peak scenario for all the frequencies that have been tested. For the DS 2044 PM peak scenario, the junction is predicted to operate within capacity if the pedestrian crossing is called once a minute. Keep clear markings improve the capacity of the junction such that the junction only goes over capacity if the pedestrian crossing is only called once every four minutes.

In order to ratify the predicted future modelling results KCC will require the applicant to undertake new junction assessments of this junction (LinSig) in 2037 and 2044 to determine the impact of the development on this junction. If the modelling results are worse than predicted, then a mitigation scheme to provide additional capacity at this junction will be required. This may involve signalisation of the junction to include the pedestrian crossing facility. A keep clear marking scheme should in any event be delivered as part of the Otterpool Park proposal and therefore a plan therefore needs to be submitted showing the extent of the proposed keep clear markings.

Barrow Hill One-Way Operation

The Barrow Hill funnel junction is located on the A20, just to the south of Sellindge village centre. This junction takes the form of a signal shuttle working scheme under the Ashford - Folkestone railway line. The 2037 Do-Minimum scenario predicts the junction to operate within capacity. In a 2037 Do-Something scenario all arms of the junction are predicted to operate over capacity in both the AM and PM Peaks. The highest predicted DoS in the AM peak hour is 104.8% and 104.4% in the PM peak hour.

In a 2044 Do-Something scenario, the DoS will further increase to 107.7% in the AM peak hour and 117.3% in the PM peak hour.

In order to mitigate the impact of the proposal, the applicant is proposing cycle time optimisation. Cycle time optimisation has been used to find the lowest cycle time required for the junction to operate within practical capacity for each of the future scenarios. In a 2037 Do-Something scenario, cycle times of 68 and 72 seconds are proposed in the AM and PM Peak respectively. In a 2044 Do-Something scenario, cycle times of 72 and 88 seconds are proposed in the AM and PM Peak respectively. This brings the junction down to operating at less than a 90% DoS in both 2037 and 2044 scenario years. The increased queuing will impact on the access to the development site (Y16/1122/SH) to the east of the A20 and potentially block the access. A scheme of keep clear markings is therefore required to ensure that the right hand turn from the A20 into the development site is kept clear and also the right hand turn out of the development site onto the A20 is also kept clear.

There does however not appear to be any LinSig data submitted in the appendices to demonstrate the output tables 123 and 124. These need to be submitted for KCC Highways to check the outputs.

Further discussions are also required with the Signals Team at KCC Highways regarding the potential upgrade on the current vehicle detection system. It may be well that a MOVA style system can be implemented as part of the mitigation scheme, which will enable further efficiency of the junction and allow cycle times to vary depending on queue length and demand. As such KCC, as Local Highway Authority would welcome further discussions with the applicant on this matter.

The 2046 sensitivity test has further amended cycle times in a Do-Something scenario to 80 seconds in the AM Peak and 104 seconds in the PM Peak. A cycle time of 104 seconds in the PM Peak will result of queues of 22 vehicles. This is an increase of three vehicles on the 2044 Do-Something scenario; however, the increase in queuing and delay is not considered to be severe. Again, LinSig data needs to be submitted for the output tables.

A260 Spitfire Way / White Horse Hill / A20 Slip Roads

This roundabout junction is currently operating within capacity. In a 2037 Do-Minimum scenario, the Spitfire Way arm of the roundabout is predicted to operate just over practical capacity in the AM Peak with an RFC of 0.87, queue of six vehicles and a delay of eighteen seconds.

In a 2037 Do-Something scenario in the AM Peak the Spitfire Way arm RFC goes up 0.88 with a queue of seven vehicles and a delay of twenty seconds. This is not considered to be a severe impact. In the PM Peak the A20 Slip Road RFC goes up to 0.88 together with a queue of 7 vehicles and a delay of 21 seconds.

In a 2044 Do-Minimum scenario the Spitfire Way arm of the roundabout is predicted to operate just over practical capacity in the AM Peak with an RFC of 0.88, a queue of seven vehicles and a delay of 21 seconds. In the PM Peak the A20 Slip Road RFC goes up to 0.88, together with a queue of seven vehicles and a delay of 21 seconds.

In a 2044 Do-Something scenario in the AM Peak the A20 Slip Roads arm of the roundabout is predicted to operate with an RFC of 0.89, queue of 7 vehicles and a delay of 31 seconds and the Spitfire Way arm is expected to operate with an RFC of 0.9, a queue of eight vehicles and a delay of 24 seconds. In the PM Peak the A20 Slip Road RFC goes up to 0.95, together with a queue of fourteen vehicles and a delay of 41 seconds.

In a 2046 Do-Minimum scenario the Spitfire Way arm of the roundabout is predicted to operate just over practical capacity in the AM Peak with an RFC of 0.89, a queue of seven vehicles and a delay of 22 seconds. In the PM Peak the A20 Slip Road RFC goes up to 0.89, together with a queue of seven vehicles and a delay of 22 seconds.

In a 2046 Do-Something scenario in the AM Peak the A20 Slip Roads arm of the roundabout is predicted to operate with an RFC of 0.9, a queue of seven vehicles and a delay of 33

seconds and the Spitfire Way arm is expected to operate with an RFC of 0.91, a queue of nine vehicles and a delay of 26 seconds. In the PM Peak the A20 Slip Road RFC goes up to 0.96, together with a queue of sixteen vehicles and a delay of 46 seconds.

The A20 Slip Road is in the ownership of Highways England so they will comment on the impact of the development on the slip roads.

The impact of the development on Spitfire Way which is in KCC's ownership, is not considered to be severe across all three future year scenarios.

Alkham Valley Road / A20 Slip Roads

This roundabout junction is currently approaching capacity in the 2018 AM Peak hour and operating within capacity in the PM Peak hour. In a 2037 Do-Minimum AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.06, a queue of 47 vehicles and a delay of approximately two minutes. In a PM Peak scenario, the RFC is 0.85 together with a queue of five vehicles and a delay of sixteen seconds.

In a 2037 Do-Something AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.09, queue of 64 vehicles and a delay of approximately two minutes and 40 seconds. In a PM Peak scenario, the RFC is 0.87 together with a queue of six vehicles and a delay of eighteen seconds.

The impact of the development on this roundabout is therefore considered to be severe in a 2037 Do-Something scenario as the queue will increase by seventeen vehicles and delay increase by 36 seconds.

In a 2044 Do-Minimum AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.11, a queue of 75 vehicles and a delay of approximately three minutes. In a PM Peak scenario, the RFC is 0.86 together with a queue of six vehicles and a delay of seventeen seconds.

In a 2044 Do-Something AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.19, a queue of 120 vehicles and a delay of approximately five minutes. In a PM Peak scenario, the RFC is 0.88 together with a queue of seven vehicles and a delay of nineteen seconds.

The impact of the development on this roundabout is therefore considered to be severe in a 2044 Do-Something scenario as the queue will increase by 35 vehicles and delay increase by 110 seconds.

In a 2046 Do-Minimum AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.12, a queue of 80 vehicles and a delay of approximately three minutes and fifteen seconds. In a PM Peak scenario, the RFC is 0.87 together with a queue of six vehicles and a delay of eighteen seconds.

In a 2046 Do-Something PM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.19, queue of 120 vehicles and a delay of approximately five minutes. In a PM Peak scenario, the RFC is 0.89 together with a queue of eight vehicles and a delay of 21 seconds.

A mitigation scheme is therefore required for this arm of the junction in order to prevent a severe impact. As part of pre-application discussions with the applicant the need to increase the flaring on this arm of the roundabout junction was raised as a potential solution with the applicant.

A260 Canterbury Road / Alkham Valley Road

This T-junction is currently operating within capacity in both peak hours. In a 2037 Do-Minimum AM peak hour scenario, the Canterbury Road Northbound arm (right hand turn movement into Alkham Valley Road) is predicted to operate in excess of capacity with an RFC of 1.08, queue of fifteen vehicles and a delay of just over four minutes. In a PM peak hour scenario, the RFC is 0.96 together with a queue of nine vehicles and a delay of almost two minutes.

In a 2037 Do-Something AM peak hour scenario, the Canterbury Road Northbound arm is predicted to operate in excess of capacity with an RFC of 1.16, a queue of nineteen vehicles and a delay of just over five minutes. In a PM peak hour scenario, the RFC is 0.99 together with a queue of twelve vehicles and a delay of almost two and a half minutes.

No 2044 or 2046 future year scenario assessment tables have been submitted. These need to be submitted.

Taking account of the above, a mitigation scheme is therefore required for this arm of the junction in order to prevent a severe impact. KCC would welcome further discussions with both the applicant, the District Council and Highways England in respect of the above three junctions (Canterbury Road (A260) / Alkham Valley Road; Spitfire Way / White House Hill / A260 3) Alkham Valley Road / A20 Slip Road) to agree a suitable mitigation scheme for the development to deliver, as these three junctions are closely interlinked to one another.

A20 Ashford Road Small Roundabout

This roundabout is located immediately to the south of M20 Junction 11. This junction is currently operating well within capacity. In both 2037 scenarios the roundabout will continue to operate within capacity.

The junction only exceeds capacity in a 2044 Do-Something scenario, with both arms of the roundabout going over capacity in both peaks. The highest RFC is on the northbound arm of the roundabout in the AM Peak with an RFC of 0.97, queue of 20 vehicles and a delay of 41 seconds. The increase in delay is such that a mitigation scheme is required. A mitigation scheme is currently proposed in the form of signalling the A20 Ashford Road northbound arm. It is predicted that with this mitigation scheme, the Ashford Road southbound arm of the

junction will operate within a maximum DoS of 90%, with a DoS of 89.1% and queues of four vehicles in each lane in a 2044 Do-Something AM Peak scenario.

In a 2046 Do-Something AM Peak scenario, the DoS will reach 90.2% with a queue of four vehicles in each lane. The predicted increase in delays and queues is not considered to be severe.

Unfortunately, no plans are submitted of this proposed mitigation scheme, nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation can assess the proposed mitigation scheme. The LinSig data in the appendices does not tally up with the output tables in Tables 145-147. This should be clarified with the applicant.

Nackington Road / Old Dover Road / St Lawrence Road / The Drive

Both of these signal junctions are operating within capacity in a 2037 Do-Minimum and Do-Something scenario. The impacts of the development are marginal with increases in delays of less than 10 seconds in both a 2044 and 2046 Do-Something scenario which is likely to be due to the distance the site is located from these junctions even though the junction is predicted to operate just over capacity in a 2044 and 2046 future year scenario. No mitigation is therefore required for this junction.

KCC does however wish for the applicant to fund the provision of two new directional signs to the New Dover Road Park and Ride site from Faussett Hill and Bridge Road to sign drivers to use this route to access the Park and Ride site. This can be secured through a planning condition should planning permission for this site be granted.

1.2 M20 Merge and Diverge Assessments

As all the slip roads are in the ownership of Highways England it will be their duty to respond on the assessments undertaken and potential upgrades required.

1.3 Harringe Lane

KCC, as Local Highway Authority, has concerns about increased use of Harringe Lane as a result of the development. The lane is single width with a width restriction currently in place except for access. The lane does not benefit from any formal passing places. It is KCC's opinion that the lane should be closed to vehicle traffic in the middle together with turning heads either side of the closure. A plan therefore needs to be produced showing the extent of the closure for vehicular traffic, together with tracking for an 11.4 metre long refuse vehicle. It is understood that this closure request is supported by a resident that lives along Harringe Lane and by the British Horse Society.

1.4 Phasing Plans

KCC, as Local Highway Authority, is concerned with the initial phasing of the site with it being built out in two separate phases. This is not conducive towards encouraging sustainable travel, especially if the essential services and facilities are not provided very early on in the development. It is the Highway Authority's opinion that phases should be built in the same locational area in order to ensure the maximum use of new services and in order to encourage sustainable transport. KCC would therefore welcome further discussions on the submitted phasing plans. Further consideration of the phasing of the development is set out in Chapter 3 of this response.

1.5 Travel Plan

The aims and objectives of the Travel Plan are welcomed, as is the forecast modal share targets upon completion of the site and the action plan measures set from page 44 onwards.

A £500 sustainable travel voucher should also be given to each purchaser of a dwelling on the site so that sustainable travel patterns are encouraged from the outset. The voucher could be used towards any of the following: 1) Rail Travel 2) Bus Travel 3) Purchase of a bike from a local bicycle shop. This should be written into the proposed Section 106 Agreement for the site.

The Local Highway Authority will require a robust monitoring regime over a 25 year period (from the date of the occupation of the 100th dwelling) so that the number of movements associated with the development can be assessed yearly over a 25 year period to ensure that the actual number of movements is not greater than that predicted in the Transport Assessment. Therefore, on-site multi-modal counts will be required at the vehicle and pedestrian site access points at yearly periods over that 25-year monitoring period. Upon final occupation of the last dwelling on-site and all of the commercial units and other on-site uses, the applicant will be required to undertake a fully complaint TRICS survey for the site, including for the proposed residential and non-residential uses. This should be sent to TRICS for validation to enable this site to be uploaded to the TRICS database. The Travel Plan should be secured through the proposed Section 106 Agreement together with a £25,000 monitoring fee (£1,000 per annum over a 25-year period) so that KCC Highways can effectively monitor the travel plan to ensure that the initial trip rates are met.

1.6 Design and Access Statement

The applicant should be made aware of KCC Highways and Transportation standard palette of materials that the Highway Authority will accept on adopted roads. All materials on the public highway need to be sustainable. Only tarmac and block paving will be accepted as hard surfacing materials. As such some of the materials proposed in the hard landscape section of the D&A will not be adoptable by KCC as Local Highway Authority.

1.7 Electric Vehicle Charging Point

All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed. Where communal car parks are proposed (for the district centres, for apartment blocks and other uses) EV charging points should be provided at a rate of 10% active and 10% passive of the total car parking provision. KCC would also welcome discussions regarding the need for on-street electric charging points as the Travel Plan has identified the need for 85 on street spaces to serve the development site. KCC recommends that these 85 spaces are accommodated in car parks, destinations (including supermarkets) and other charging hubs, with only some being provided on the highway where absolutely necessary.

1.8 Layout

The internal layout of the new Garden Town at Otterpool should promote sustainable travel options above that of private car use. Streets and connections within the development should encompass direct and legible walking and cycling routes to all public transport muster points and community hubs. Footways and cycleways, where possible, will be separated from major roads within the site and will be a safe and welcoming environment in which to travel through green corridors and to promote social engagement at every opportunity. Such routes will be equipped with seating at regular intervals to encourage sustainable journeys to be made by all sectors of the community including the elderly or mobility impaired.

Parking across the site will accord to standards as set out by the County Council and District Council. Rear parking courts will not be supported unless they are part of a thoroughfare with more than one means of access, are sufficiently overlooked, have ample turning provision and are the only viable parking option for those properties i.e. footway parking cannot take place at the front of the property. Car barns will only be supported if permitted development rights prevent them from being enclosed to form storage facilities. Garages will not be counted as a parking space. There will be sufficient visitor spaces across the site and best endeavours will be made to secure Traffic Regulation Orders to control commuter parking within the vicinity of the Westernhanger Station if required. Cycle parking will be provided in accordance with the standards for residential dwellings but also at community and retail and public transport hubs within the development.

The developer should avoid cul-de-sac roads and seek to provide a highway grid or loop road arrangement across the site to prevent unnecessary turning and increased mileage which in turn can add to air quality issues, noise pollution and unnecessary additional trip lengths. The roads within the site shall be laid out and constructed to an adoptable standard and the developer should enter into a Section 38 Road Agreement to have the roads transferred into the ownership of the Highway Authority in accordance with KCC Policy.

Primary schools to be provided within the development will be required to provide sufficient car drop off/pick up facilities clear of the public highway in addition to staff parking and a robust travel plan. Opportunities should be sought to share parking across the site with daytime car parks for community uses acting as overnight parking facilities for visitors and unallocated residential provision.

Based on all the above comments, there are a number of significant outstanding issues to be resolved with the application as currently submitted. KCC, as Local Highway Authority wishes to place a holding objection on the planning application until these matters have all been addressed in full by the applicant.

The Local Highway Authority welcomes further discussions with the applicant.

2. Transport Policy

2.1 Rail

KCC welcomes the focus on sustainable transport options and therefore supports the proposed enhancement to the existing Westenhanger Station, which will facilitate a more frequent rail service for the Otterpool Park development. The proposed works involve the extension of the existing down platform from 8-car to 12-car length, the construction of an entirely new up platform opposite the extended down platform (also to be of 12-car length), the provision of a new station building and car park on the south (London-bound) side of the station and connections to the existing highway network. The County Council acknowledges that lift access to platforms must also be provided within the new pedestrian overbridge to ensure accessibility of the station.

The proposal for bus interchange is considered essential, but would need to be supported by a new bus service for the Otterpool Park development. Detailed discussions and agreement would have to be sought with the County Council and bus operator and so the applicant should engage on this matter at the earliest opportunity. Any proposal to expand the car park with decking or structures to provide a multi storey facility will need to be on the south side of the station.

The County Council recognises the potential to enhance High Speed rail services with additional direct services to London being explored, with the aspiration for at least hourly direct services of less than 60 minutes journey time. This is an essential element of the expanded station and would need agreement from the Department for Transport (DfT). There is likely to be an expectation that the applicant guarantees to fund the net marginal operating costs (OPEX) for the first three years.

It is recognised that the proposed development will have an impact on rail patronage, however, it is difficult to quantify the impact at this stage. The implementation of a high speed service at Westenhanger will also have wider implications, which must be considered. Further assessment work should be undertaken in discussion with Network Rail, the new South Eastern franchise operator and the DfT and changes to rail patronage should be monitored over time as the development phases are built out.

The forecast number of rail trips, which is also based primarily on existing trip patterns and service provision, is low. It is expected that existing service provision would be capable of accommodating the increase in patronage suggested by the forecast. There is a need for a revised assessment of passenger demand, based on likely patronage from the new Otterpool population.

Overall, it is recommended that the applicant continues to engage with Network Rail to secure the changes proposed within the Transport Assessment in respect to rail.

2.2 Freight

The current Airport Café lorry park located on the Otterpool Park development has provision for thirty spaces for overnight lorry parking. If the outline application is approved, the lorry park will be removed as part of the wider masterplan. The County Council is concerned about the reduction of overnight lorry parking spaces in the area, as the removal of these spaces will lead to displacement of Heavy Goods Vehicles parking in other, more unsuitable locations. KCC would therefore ask that equivalent alternative lorry parking provision is identified within the district. This is in line with Paragraph 107 of the revised National Planning Policy Framework (NPPF) stating the *“importance of providing adequate overnight lorry parking facilities, taking into account any local shortages”*.

The Stop 24 Service Area at Junction 11 of the M20 is adjacent to the planned development at Otterpool Park. This service area provides a vital role allowing motorists and especially HGV drivers rest and welfare facilities. Stop 24 also provides customs clearance to freight vehicles crossing the Channel via the Eurotunnel. If the UK was to leave the European Union without a Deal, then the use of this facility would be greatly increased for customs clearance. FHDC should therefore be sympathetic to the needs of this facility now and in the future

3. Provision and Delivery of County Council Community Services

3.1 Infrastructure Requirements

The County Council has assessed the implications of this outline application in terms of the delivery of its services and is of the opinion that it will have a significant additional impact on the delivery of these services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to a range of specific requirements outlined in the text below as well as in the table in Appendix A.

To determine the specific infrastructure required to mitigate demand arising from the proposed garden settlement at Otterpool Park, the County Council has modelled the population impact of up to 10,000 homes within a garden settlement within Folkestone & Hythe District. Otterpool Park is potentially a fundamentally different development from others within the District. The proposed development may change the nature of people who choose to re-locate to the District. Recent evidence from other large developments in Kent (such as Kings Hill, Tonbridge and Malling and Park Farm, Ashford) suggests Otterpool Park may attract a different and higher proportion of working people with children as people to the district and fewer retired people moving into the district. These requirements outlined below take some of this demographic shift into account. The outcome of this population modelling is included as Appendix B.

The County Council fully supports the approach to plan for the wider framework masterplan. It has modelled three scenarios to determine infrastructure requirements:

1. Up to 8,500 homes (current planning application submitted 1 March 2019)
2. Up to 10,000 homes (wider framework masterplan proposed by F&HDC Core Strategy Review 2019)
3. Up to 1,500 homes (remaining quantum to fulfil the wider proposal)

Any revisions to these housing scenarios will impact the infrastructure requirements and will require time to model.

The scale of development and its projected timescales present a momentous challenge to determine and reflect future changes in service provision in legal agreements relating to the funding for the infrastructure. This challenge will necessitate a flexible approach to ensure infrastructure can be funded and delivered over the long term. The proposed three tier approach to planning will help to respond to this challenge. The County Council would expect to see much greater reference to this approach in any future submissions by the applicant.

Please note that any costs associated with KCC's infrastructure requirements:

- are to be **index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment** (Oct-16 Index 328.3)
- are valid for three months from the date of this letter, after which they may need to be recalculated due to changes in District Council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

3.2 Community Infrastructure

The applicant's Community Facilities Strategy refers to allowing nearby communities "appropriate access" to the new community facilities provided at Otterpool Park. Just as existing residents at Otterpool benefit from a range of community facilities across the locality, new residents will also benefit from these community facilities in the wider area. To develop the new community and weave it together with the existing community, the applicant must be mindful of providing for existing and new residents alike, with equal access to a range of community facilities rather than restricting access to the new community. One of the key principles of sustainable development is that the accessible services and open spaces should reflect current and future needs and support communities' health, social and cultural well-being¹. Furthermore, it is important to create mixed and balanced communities².

The County Council notes the submission of the Statement of Community Involvement accompanying the application. It requests that the applicant undertakes greater, more extensive consultation with the local community as the planning application progresses to ensure the community is fully engaged and their views on the full range of topics, including the stewardship and governance arrangements, are captured.

3.3 Education

3.3.1. General Principles

Given the scale of development, it is a challenge to forecast school places arising from this development over the longer term. In light of this, the County Council must safeguard both land within and potentially outside the development, as well as secure developer contributions to ensure there is sufficient education provision over the long term³. The Department for Education's recent guidance underlines the need to factor in the demographic profile of new

¹ National Planning Policy Framework (NPPF) para 7 (b)

² NPPF para 62 (b)

³ Securing developer contributions for education, Department for Education, April 2019

communities when calculating education requirements and the need to secure sites large enough to meet the maximum need generated by the development^{4 5}. Pupil yield factors should be based on up-to-date evidence from recent housing developments⁶. Housing development should mitigate its impact on community infrastructure, including schools.

3.3.2. Education Review Mechanism

Given the uncertainty of the exact quantum of school places required over the lifetime of this development, the County Council is supportive of the “monitor and manage” approach proposed by the applicant in the Community Facilities Strategy. The County Council welcomes support from the applicant to monitor housing quantum as part of this approach. However, it is important to remember that it is the County Council who has the statutory duty to ensure that school places exist for all resident statutory school aged children who require one. School place planning remains the responsibility of the County Council as the Local Education Authority.

To support this ‘monitor and manage’ approach, it may be more useful to survey new residents earlier than the proposed 1,000 homes. An initial residents survey at 500 homes may provide more timely information for the purposes of school place planning. It should be noted that the data obtained from such a survey may not be wholly reliable, as the residents would not be under a duty to provide such information. If there is a low response rate to the survey, the figures may be skewed. The review mechanism to ensure demand created by the development can be met will still need to take a formulaic approach⁷, which is then influenced by the survey response.

Further, the applicant’s proposal regarding the determination of “Final Yield” contained in section 3.56 of the Community Facilities Delivery Strategy will need further consideration. Such final yield cannot be determined within the first 30 days of a facility opening. Yield is subject to a variety of factors, all of which change over time. For example, the stated aspiration is that provision is available early in the phases of development, a time when pupil yield may well be lower. The purpose of the Education Review Mechanism is to enable the County Council and the developer to respond proactively to these changes.

The County Council confirms it can provide geographic data to support the Education Review Mechanism. Data protection requirements will determine the level of detail which can be provided.

Documents supporting the applicant’s application refer, on more than one occasion, to the provision of school places to solely meet the needs of children resident at Otterpool Park. It is an important principle that Otterpool Park must be self-sufficient in terms of education provision. However, there must be a recognition that in law, parents have the right to express a preference for the school their child will attend, and the relevant admissions authorities have

⁴ Education provision in garden communities; Department for Education, April 2019

⁵ Securing developer contributions for education, Department for Education, April 2019

⁶ Securing developer contributions for education, Department for Education, April 2019

⁷ KCC’s DRAFT “Education Modelling and Timing” shared with the promoters January 2019

a legal duty to comply with that preference if they are able to do so. In practice, parents of children resident at Otterpool Park may choose a primary or secondary school place at a school outside of the development. The impact of their decision may be that children from outside the development may be allocated a school place within the development. The allocation of school places is determined on a range of criteria, including distance from home to school. Again, the purpose of the Education Review Mechanism is to understand the travel patterns of pupils, to be able to plan accordingly to achieve its core purpose of ensuring children resident within the development can access a local school place.

The cost to the County Council of monitoring school places must be funded through developer contributions. The County Council will confirm its role in reviewing education requirements as part of further discussions with the District Council and applicant.

3.3.3. Education Delivery

The applicant's Governance Strategy refers to a "joint commissioning process" to deliver the school and identify the promoter. As outlined above, the County Council is the sole body with statutory responsibility for commissioning education provision. The provision of education is regularly subject to reviews by government with a view to improving education delivery and it is reasonable to assume that the legal landscape for education commissioning will change, possibly more than once, during the delivery period of Otterpool Park. The County Council must ensure it is able to discharge its statutory obligations and exercise its education function in the way that complies with relevant legislation and planning policy at the time a decision is made about the planning application. The County Council cannot agree to anything which might lead it to act *Ultra Vires* now or in the future, inhibit its ability to discharge its statutory functions, or in a way which would fetter its discretion. Therefore, in accordance with current practice⁸, the County Council requires that the land required for school provision is transferred to it freehold under its General Transfer terms (Appendix C), and at nil cost, together with the required financial contributions to enable it to commission school places⁹.

The County Council notes reference in the applicant's Governance Strategy to an Education Campus and is willing to explore the potential for this, possibly bringing primary, special educational needs and secondary provision together. This Strategy also suggests schools may be required to play a wider role in the community. The applicant cannot seek to dilute a school's primary purpose, to educate children in line with the national curriculum. At this stage schools cannot be expected to meet requirements that go "above and beyond a standard approach". As part of the provision of new schools and associated sports facilities (indoor and outdoor), it is anticipated that such spaces will be available for use by the community outside school hours. However, such use cannot be assumed, and thus cannot be considered as a solution to the leisure and recreation needs generated by new developments. The Department for Education's recent guidance¹⁰ outlines the measures needed to secure the shared use of school facilities only where appropriate.

⁸ KCC Development Contributions Guide

⁹ Development and Infrastructure - Creating Quality Places, Kent County Council

¹⁰ Education provision in garden communities, Department for Education, April 2019

The County Council agrees that there is additional construction cost to building schools in phases. Recent capital projects indicate the additional cost on building out 1FE primary school and then a further 1FE to build a 2FE primary school in total can add £2m to the construction cost. These construction costs would need to be met by the applicant.

Whilst the total land take required for each school can be identified at this stage, any further breakdown of floorspace is subject to building regulations and building bulletins. This breakdown cannot be specified within this outline planning application nor within the section 106 agreement.

Decisions about the construction and school design will be made by the determining planning authority at the Reserved Matters stage, in consultation with the applicant. Operational decisions remain the remit of Local Education Authority in consultation with the school promoter, the District Council and other stakeholders.

3.3.4. School Locations

The County Council notes the indicative locations of the schools on the applicant's Parameter Plans and illustrative drawings. The County Council reserves the right to comment on the suitability of the location of any school until further discussions have been held with the County Council, District Council and the applicant. Please note, the County Council expects each school site to be level, above flood level and adequately drained, in line with the General Transfer Terms. Both the County Council's General Transfer Terms and Primary School Service Requirements are included as Appendix C and D respectively.

The County Council notes the inclusion of Phasing Plans and Parameter Plans submitted with the application. The County Council believes the Phasing Plans may be too detailed and unnecessarily fixed at this stage of the planning process. Rather than comment in detail on these plans, the County Council proposes the applicant reviews and amends the Parameter Plans in collaboration with the District and County Council, as well as with other stakeholders. To aid this review, the land take required for a range of school sizes is included as Appendix E. Once the County Council agrees the quantum of education provision, this land take should be reflected in any revised Parameter Plans.

When the applicant starts to masterplan each phase, there must be close liaison with KCC Education and KCC Highways to determine the school layout and specific access arrangements.

3.3.5. Education Requirements

In light of the recent population modelling¹¹, the table below summarises the maximum quantum of education that will be required to mitigate the impact of development arising at Otterpool Park. (Further detail is provided in Appendix F):

¹¹ KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

School Yields up to 8,500 homes (not including older persons' housing)¹²

Education Type	Pupil Numbers (up to)	Forms of Entry	Delivery
Nursery and pre-school provision	783	x 15 nursery settings	52 place nursery provision included in each new 2FE primary school. Further provision made through community facilities, and the construction of commercial premises suited to private sector providers.
Primary school provision	2914	x 6.9 two form entry primary schools	x7 2FE primary schools on site Possible early provision off site Release safeguarded sites should it be evidenced that these will not be required
Secondary school provision	1584	up to 10.6 form entry school	Majority of secondary school places will be met on-site via one new secondary school and one secondary school as part of a wider education campus.
Sixth Form (A-Level)	471		Include alongside secondary school provision
Further Education	236		Provided by the private sector and East Kent College
Specialist Education Provision	75	up to x 75 place specialist education provision	Single facility, co-located alongside one of the primary or secondary schools in an 'education campus'

¹²KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

School Yields up to 10,000 homes (not including older persons' housing)¹³

Education Type	Pupil Numbers (up to)	Forms of Entry	Delivery
Nursery and pre-school provision	949	x 18.2 nursery settings	52 place nursery provision included in each new 2FE primary school. Further provision made through community facilities, and the construction of commercial premises suited to private sector providers
Primary school provision	3533	x 8.4 two form entry schools	x 8 2FE primary schools on site Possible early provision off site Release safeguarded sites should it be evidenced that these will not be required
Secondary school provision	1926	up to 12.8 forms entry school	Majority of secondary school places will be met on-site via one new secondary school and one secondary school as part of a wider education campus.
Sixth Form	558		Include alongside secondary school provision
Further Education	279		Provided by the private sector and East Kent College
Specialist Provision	92	up to x 92 place specialist education provision	Single facility, co-located alongside one of the primary or secondary schools in an 'education campus'

3.3.6. Early Years and Childcare

Kent County Council has a duty to ensure early years childcare provision in Kent as set out in the Childcare Acts 2006 and 2016. Government policy¹⁴ is clear that developer contributions must help fund nursery provision required as a result of new housing growth. In addition, the policy is clear that some of these early year places will be provided through settings with primary schools. It is anticipated that the private and voluntary sector will continue to provide the majority of places in the early years and childcare sector. 52 place nursery provision would be included in each new school. Further provision would be made through community facilities, and the construction of commercial premises suited to private sector providers.

¹³ KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

¹⁴ Securing developer contributions for education, Department for Education, April 2019

Potentially eight 52 place provisions will be required by 2031, with 18 nurseries required for the full 10,000 units.

The County Council supports the creation of nursery spaces in other community buildings, and through appropriately placed/design commercial settings. However, there is the need for the Promoters to make a solid commitment to this provision in other settings before the County Council would agree to reduce any developer contributions. Alternatively, the County Council may collect developer contributions for nursery provision and apply those contributions to support the adaptation of commercial buildings for nursery provision.

3.3.7. Primary Education

The wider framework masterplan proposes up to 10,000 homes. Not including the older persons' housing, this quantum gives rise to up to eight 2FE primary schools¹⁵. The expectation is that Otterpool Park will meet the education requirements created by the development. The proposal is projected to give rise to additional primary school pupils from the date of occupation of this development. These primary school places can only be met through the construction of new primary schools on site, potentially temporary provision on site and the possible enlargement of Sellindge Primary school off site.

The provision for primary education including land and build costs should be secured within the section 106 agreement.

The County Council requires a financial contribution towards the construction of the primary schools on site. A 2.05 hectare site is required for each 2FE school and nursery. The County Council requires the appropriate land to be made available on site. The County Council requires that the land required for school provision is transferred to it freehold under its General Transfer terms (Appendix C).

The County Council's standard rate for financial contributions towards primary schools is based on a standard school design. The County Council notes the applicant's aspirations for "outstanding community infrastructure"¹⁶, alongside further design ambitions laid out in the Otterpool Charter¹⁷. If enhanced school design increases the capital cost of construction, as well as the longer term maintenance, both would require mitigation by the applicant.

The County Council notes the applicant's suggested delivery options for primary school sizes. The County Council welcomes the safeguarding of land adjoining the proposed primary school sites to enable expansion, should this be required. The County Council advocates this approach to all Local Planning Authorities as good planning policy. However, as discussed previously with the applicant, KCC's planning guidelines identify that primary schools are best delivered as 2FE provision (420 places)¹⁸ where possible. This allows for the most efficient deployment of resources and is preferred by most parents. Whilst KCC's planning principles

¹⁵ KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

¹⁶ Promoters' Design and Access Statement

¹⁷ Published November 2017

¹⁸ Kent Commissioning Plan for Education Provision in Kent 2019-2023

do not preclude the creation of larger primary schools¹⁹, and indeed Kent has a number of 3FE primary schools, KCC would not wish for this to be considered the default solution to meeting the needs of Otterpool Park should pupil yields exceed the standard County averages.

KCC's demand modelling has shown that other large development sites generate greater school place demand than other smaller sites. The County Council would wish to see a better balance of proposal to meet this likely demand, through a combination of safeguarded 2FE school sites and land adjoining proposed primary sites. The intention of the Education Review mechanism must be to continually assess demand, and enable the release of safeguarded sites should it be evidenced that these will not be required. It is also important that any safeguarded land to enable a primary school to expand to 3FE is sufficiently large, of a regular shape (to allow for the space to be fully utilised including for any sports provision), fit for purpose and undivided.

The promoters have indicated a total site size of 2.3ha for 3FE. This is the DfE minimum for 630 pupils²⁰ (ie 3FE primary without nursery). As the community strategy states nursery classes will be included in primary schools, the minimum site area for 711 pupils is 2.6ha, with a maximum of 3.2ha. Minimum site sizes do not seem to be in keeping with the aspirations set out in the documents accompanying the application, which seem to want to set the bar much higher than this. As land is being safeguarded, and may be released at a later date for development if demand is lower than anticipated, it would seem prudent to safeguard on a maximum rather than minimum basis.

It is important to consider place making principles when planning for school sizes and two form entry schools are most appropriate to a garden settlement. It is also important for the applicant to articulate the overall vision for Otterpool Park itself as a new place for people to live, work and visit and how this vision then ties into provision for schools as well as other community infrastructure. The provision of 630 school places in the first primary school is not in keeping with the applicant's garden settlement place making aspirations nor potentially the new community's ambitions. Otterpool Park's overall landscape setting should influence the size of each primary school, ensuring it is appropriate to its surroundings. Three forms of entry are more typically located in more urban settings where housing densities are greater.

The County Council notes the indicative locations of the primary schools on the applicant's illustrative drawings. The County Council will reserve the right to comment on the suitability of the location of the primary schools until further discussions have been held with the District Council and the applicant. Please note, the County Council expects each school site to be level, above flood level and adequately drained, in line with the General Transfer Terms. Both the County Council's General Transfer Terms and Primary School Service Requirements are included as Appendix C and D respectively.

¹⁹ Kent Commissioning Plan for Education Provision in Kent 2019-2023

²⁰ Promoters' Planning and Delivery Statement

There may be the opportunity for the applicant to fund off site provision for the initial demand for primary school places arising out of the development. This will be dependent on the timing of delivery. There may also be a requirement throughout the development to fund temporary provision and travel costs for pupils until the primary school reaches a certain size. This will be dependent on the pace of housing delivery both on site at Otterpool Park and potentially at other residential sites in the locality.

The County Council may also require a proportionate contribution towards the acquisition of land off site for the purposes of providing early or temporary primary school places or both. The site acquisition cost will be based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note this process will be kept under review and may be subject to change as the Local Education Authority has a duty to ensure provision of sufficient primary pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

3.3.8. Secondary School

The proposal is projected to give rise to a need for additional secondary school places from the date of occupation of this development. As indicated in the table above, KCC's population modelling indicates up to 10,000 homes at Otterpool Park may generate up to thirteen forms of entry of secondary school demand across the lifetime of the development.

The County Council anticipates meeting part of the demand created by Otterpool Park through the expansion of The Harvey Grammar School (a selective boys' school) and Folkestone School for Girls (a selective girls' school). Other off-site solutions may be possible and necessary, especially in the early years of the development. The local authority is able to propose expansions of the schools it maintains, but not that of free schools and academy schools, which are outside local authority control. Any decision to extend academies or free schools will be subject to a decision by the Secretary of State and therefore cannot be guaranteed. It should be noted that all secondary schools in Folkestone and Hythe District, and all but one in Ashford Borough are, at the time of writing, outside of the control of the County Council.

The provision for secondary education, including land and build costs, should be secured within the section 106 agreement. The County Council may require a proportionate contribution towards the acquisition of land off site for the purposes of expanding these schools to provide secondary school places. The site acquisition cost will be based upon current local land prices, subject to indexation and increases in market value. Any section 106 agreement would need to include a refund clause, should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Sustainable travel patterns and transport choices are central to the applicant's vision for Otterpool Park. This requires the majority of secondary school places are being provided on site rather than necessitating travel across the District or into neighbouring districts if any spaces are identified.

The applicant has put forward a requirement for one 10FE secondary school. Secondary school sizes can be as large as 10FE, however there are only two such secondary schools in the County. Ten forms of entry are not the County Council's preferred choice of secondary school size, and parents are not keen on schools this large. Secondary schools with six to eight forms of entry are the preferred size because of the allocation of resources. Planning for a school with almost 2,000 pupils on a single site is not in keeping with the landscape led master-planning principles and the applicant's place making ambitions for Otterpool Park. Therefore, the County Council remains of the view that the District Council should be looking to protect in policy two secondary school sites within Otterpool Park. In line with the County Council's comment above, one of these being a campus solution, or even an all-through school is something the County Council would be willing to support.

The County Council is not aware of any other opportunities to secure land locally for the purposes of a second secondary school. At this stage, the County Council is unable to identify additional land outside of the site that could be secured for education purposes or through future planning applications. This planning application presents the most appropriate opportunity to secure the required land take within the development and contributions to deliver the secondary school places required to mitigate the impact of this development and the wider masterplan framework. The County Council's preferred option is to identify and safeguard a second site within the development that could deliver secondary school places alongside other education provision for example primary or special educational needs places.

Therefore, the County Council expects to see a second secondary school site identified within the development and included within future submissions by the applicant. Land take required for a variety of secondary school sizes are included as Appendix E.

Please note that the County Council expects each school site to be level, above flood level and adequately drained, in line with the General Transfer Terms. Both the County Council's General Transfer Terms and Primary School Service Requirements are included as Appendix C and D respectively.

This process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

3.3.9. Special Educational Needs

Approximately 3% of pupils have Education, Health and Care Plans that set out the provision needed to support the child, and this provides statutory protection. The major growth areas have been Autistic Spectrum needs, Speech and Language needs, and Social, Emotional and Mental Health needs.

Otterpool Park development is expected to generate the need for up to 92 additional special school places (assuming 10,000 homes). There is no capacity to provide these school places off site. It is envisaged these places may be provided via a new special school in Otterpool Park, co-located alongside one of the primary or secondary schools in an education campus.

The applicant would be required to provide the land on site and capital funding to deliver this special educational needs school and for this to be secured within the section 106 agreement, alongside the other infrastructure requirements.

3.3.10. Sixth Form

Given the applicant's planned housing trajectory, there will be a requirement to provide sixth form places on site at Otterpool Park from 2031. Any new secondary schools on site at Otterpool Park and any Grammar school expansions off site to mitigate the impact of development will require sixth form provision. The specific requirements are outlined in the table above or on page 35 and 36.

This provision for sixth form places, including land and build costs funded by the applicant should be secured within the section 106 agreement.

3.3.11. Further Education

Further Education addresses vocational post-16 education needs, i.e. people being educated in a setting other than a sixth form. The needs arising from Otterpool Park will be met by the private sector and East Kent College.

3.4 Other Community Infrastructure

To mitigate the impact of the development, the County Council requires a quantum of space in community facilities to deliver its services; including social care, community learning, early help (younger people from birth to 25 years) and public health. These services are delivered either directly by the County Council or commissioned through a range of other local organisations. The County Council is willing to consider gifting a capital asset (the community space) to whatever stewardship body may be chosen in return for use of that space when required and developer contributions towards any maintenance charge. When not required by these groups, the stewardship body can rent this space to other local community groups to generate income for itself.

The exception to this is libraries, which will require dedicated space in a community facility, as detailed below.

The County Council recognises there needs to be flexibility built into delivery mechanisms to ensure that service providers can respond to the changing needs of the community and

changes in how services are delivered. The County Council has worked closely with other providers on previous community facilities to identify the potential components of a community hub and will continue to work with the District Council and the applicant on the proposal for Otterpool Park, though discussions are at a very early stage.

Other providers such as health and the voluntary sector also have a key role to play using community space to deliver services at Otterpool Park. The County Council would support the provision of flexible space, which different service providers could access as the community's needs evolve over time. The County Council will also consider the scope for co-locating services and dual use of facilities, though there may be some limitations to integration with other uses as a result of child protection and asset management considerations. Practical opportunities to co-locate will be considered, particularly where there are wider community benefits.

The community spaces must be designed to be accessible to a full range of users. Each facility will require a changing place,²¹ and larger facilities will require sensory facilities. They must be fully accessible to all and fully compliant with the Equality Duty Act (2010) and any relevant building regulations such as British Standard BS8300 which includes but is not limited to ramp access, electric opening doors and height adjustable kitchen worktops etc. Any community facility must also provide capacity and capability for charging electric vehicles. Specific detail is provided under Appendix G. The applicant is requested to fully involve KCC in the design of the community facilities to ensure they are appropriate for all users and uses.

The County Council would be grateful to receive further detail of the health hub and community facilities in light of the requirements set out in this response and would welcome future discussions with the District Council and the applicant at the earliest opportunity.

3.4.1. Community Learning

The provision for Community Learning (formerly known as adult education) is not mentioned specifically in the planning application, however this development will create a demand for this service.

To accommodate the increased demand on this service, the County Council requests space to deliver classes within a community setting on site, as well as developer contributions to equip the space and set up the classes. The service will include the delivery of adult numeracy and literacy classes. The community space will need to be suitable for a full range of users and accessible to a range of clients.

This provision for community learning, including capital build costs, equipment, rent free use of space and initial start-up costs funded by the applicant, should be secured within the section 106 agreement.

²¹ Changing Places toilets for severely disabled people to be made mandatory in new buildings used by the public, under government proposals. Buildings covered will include shopping centres, supermarkets, sports and arts venues
<https://www.gov.uk/government/news/new-public-buildings-to-have-changing-places-toilets-for-severely-disabled-people>

3.4.2. Libraries

KCC is the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

To mitigate the impact of this development, the County Council will need to provide additional library services to meet the additional demand directly created by the development. The County Council therefore requires a fully equipped, dedicated space within a community facility on site to deliver library services. The library space will need to be suitable for a range of uses and accessible to a range of clients. It can be co-located with other community uses.

This provision for libraries, including capital build costs, equipment, book stock, rent free use of space and initial start-up costs funded by the applicant, will need to be secured within the section 106 agreement.

3.4.3. Early Help

Early Help includes services for young people from birth to 25. To accommodate the increased demand on KCC services, the County Council requires space with a community facility or facilities to deliver and commission children's centre services, other specialist children's services, youth services as well as wider public health services. The County Council also requires external space co located with the community facility to provide outdoor play space for example a skate park Some of these services could be co-located within the proposed health hub as well as other community services.

This provision for Early Help including capital build costs, equipment, rent free use of space and initial start-up costs funded by the applicant should be secured within the section 106 agreement.

3.4.4. Social Care

The applicant must recognise the importance of placing delivery of social care and public health alongside the wider health agenda. There is a requirement to ensure all these services are appropriately provided for at the proposed garden settlement. This will include provision of employment and community space for delivery of both social care and public health funded by developer contributions.

The proposed development will result in additional demand upon social care, which includes services for older people and adults with Learning or Physical Disabilities. All available care capacity is fully allocated already and there is no spare capacity to meet the considerable additional demand arising from this development. In addition, the social care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from this new development.

The County Council welcomes the 648 extra care housing units to accommodate older persons' housing needs identified in the application. Alongside care home and extra care facilities, there will also be a requirement for sheltered housing. To further mitigate the impact of this development, KCC requires:

- a proportionate monetary contribution **per household** towards assistive technology
- space within the community facilities to deliver social care services local to the development delivered by KCC or a third party.
- employment space within proposed health hub as mentioned below
- the applicant must ensure the delivery of:
 - 1% of total units (85 homes) Wheelchair Adaptable Homes as part of the affordable housing element on this site, with nomination rights given in consultation with KCC Social Care
 - 1% of total units (85 homes) Wheelchair Adaptable Homes as part of the private housing on this site, with nomination rights given in consultation with KCC Social Care

The County Council supports the approach of using the Encompass model at Otterpool Park. The County Council could link the community navigation and social prescribing contract to this model once it is in place. This would be dependent on additional funding from Clinical Commissioning Groups.

The application, including the Community Facilities Strategy and the Health Impact Assessment, does not incorporate the positive learning from Healthy New Towns concept, including the experience at Ebbsfleet, North Kent. For example, the application lacks sufficient focus on the needs of those living within the development with dementia.

In their future submissions, the applicant is required to review their proposal to take greater account of social care requirements, including:

- designing Otterpool Park to include those who need support for example due to illness, disability or old age. This would include reviewing and amending the masterplan and the approach to designing community buildings and public realm
- understanding the needs of those who may need to access social care services and ensuring this influences the Community Facilities Delivery Strategy
- community space for delivery of social care services, alongside delivery of health services
- employment space for social care teams, alongside space for health professionals

The applicant should consider the Joint Health & Well Being Strategy (2015 to 2021)²² and the Kent and Medway Sustainability and Transformation Plan²³, which provide more detail on the integrated health and social care model for Kent and Medway.

²² <https://www.kent.gov.uk/about-the-council/strategies-and-policies/health-policies>

²³ <https://kentandmedway.nhs.uk/stp/>

This provision for social care, including assistive technology, capital build costs for employment and community space, equipment, rent free use of space and initial start-up costs funded by the applicant, should be secured within the section 106 agreement.

3.4.5. Public Health

If the ambition is to embed health and well being from the start of development, there must be a commitment to public health. The Joint Health and Well Being Strategy (2015 to 2021)²⁴ provides further policy context on both the social care and the public health needs that must be considered by the applicant. In addition, Kent and Medway's Sustainability and Transformation Plan for Kent and Medway²⁵ provides further detail.

Public health services, some of which will be required to mitigate the impact of development at Otterpool Park from the outset and all of which will be required to mitigate the impact of development over the long term, include:

- Smoking Cessation
- Sexual Health Services
- Substance Misuse Services
- Health Visiting
- School Nursing
- Suicide Prevention
- Child Measurement Programme
- One You (covers obesity, alcohol and smoking)
- Live Well Kent (focused on mental and physical wellbeing)

Demographic profiling within the applicant's Health Impact Assessment relies on existing data from Folkestone and Hythe District. The demographic profile of the proposed garden settlement is likely to differ significantly from the district's current profile. For example there may be a potentially younger profile, which will impact a range of health indicators and must be considered by the applicant. The County Council would like to engage further with the applicant and District Council to ensure that the Otterpool Park Health Impact Assessment considers this potential for demographic change.

This provision for delivery of Public Health services, including capital build costs for employment and community space, equipment, rent free use of space and initial start-up costs funded by the applicant, should be secured within the section 106 agreement.

In order to embed health and wellbeing from the start of development, the County Council recommends that there must be a commitment to public health, including consideration of The Joint Health & Well Being Strategy (2015 to 2021)²⁶, and the Kent and Medway's Sustainability and Transformation Plan for Kent and Medway²⁷.

²⁴ https://www.kent.gov.uk/__data/assets/pdf_file/0014/12407/Joint-health-and-wellbeing-strategy.pdf

²⁵ <https://kentandmedway.nhs.uk/resources/kent-medway-sustainability-transformation-plan/>

²⁶ https://www.kent.gov.uk/__data/assets/pdf_file/0014/12407/Joint-health-and-wellbeing-strategy.pdf

²⁷ <https://kentandmedway.nhs.uk/resources/kent-medway-sustainability-transformation-plan/>

The County Council notes that any issues with staffing for the local healthcare facilities are likely to be alleviated by more available housing. There is need to consider the staffing for the school public health service and health visiting, as these costs are borne by the local authority. These services would also benefit from the use of meeting spaces in community hubs included with the proposed masterplan for Otterpool Park.

It is important that any building intended for community use can be used as a true community hub and meeting place for the new community. The County Council is also supportive of green spaces for leisure activity as there is clear evidence that these have additional benefits to indoor leisure spaces.

The County Council requests that active travel continues to feature heavily in any design, including the use of bicycles to encourage modal shift. The provision of bus services to the neighbouring towns of Ashford and Folkestone could further encourage modal shift - providing sustainable transport options for commuters and those wanting to access local services.

The County Council also requests that the applicant considers dementia friendly standards and standards such as the Lifetime Homes Design Criteria to ensure that the new development meets the needs of the diverse new community at Otterpool Park.

3.5 Other Infrastructure

3.5.1. Off Site Strategic Transport Requirements

The applicant is advised to refer to the Highways and Transportation section of the Kent County Council response.

3.5.2. Public Transport

The applicant is advised to refer to the Highways and Transportation section of the Kent County Council response.

3.5.3. Off Site Public Rights of Way Improvements

The application, through the Design and Access Statement, requires Otterpool Park to be an exemplar garden settlement. This exemplar status will be achieved, in part, through enhancing existing landscape features so they can be enjoyed by the community who both do and will reside at Otterpool Park. Improving the existing connectivity of these landscape features through walking and cycling routes is critical to integrating the new community with the existing community. The importance of these connections to the health of the new community is also identified in the Health Impact Assessment.

In order to mitigate the impact of this development, developer contributions will be required to improve off-site walking and cycling links and schemes with the development, as well as funding the construction of off-site Public Rights of Way improvements.

The provision for these improvements funded by the applicant should be secured within the section 106 agreement.

The County Council would welcome discussions with the applicant at the earliest opportunity on the list of priority network improvements that the KCC PRow and Access Service has compiled.

3.5.4. Other Sustainable Transport Requirements

The site should also include provision for electric vehicle (EV) charging points and EV sub stations within the development as well as provision for car sharing. All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed. Where communal car parks are proposed (for the district centres, for apartment blocks and other uses) EV charging points should be provided at a rate of 10% active and 10% passive of the total car parking provision. KCC would also welcome discussions regarding the need for on-street electric charging points as the travel plan has identified the need for 85 on street spaces to serve the development site.

3.5.5. Employment Space

The delivery of some of KCC's services, including public health and social care, will necessitate provision of employment space on site for professionals involved in the delivery of those services. This employment space could be provided as part of the proposed health hub.

The County Council would be grateful to receive further detail of the health hub and community facilities in light of this requirement for employment space and would welcome future discussions with the District Council and applicant to progress this.

The County Council would like to reiterate the importance of the delivery of employment space as part of a sustainable new community at Otterpool Park. Otterpool Park offers an opportunity to create a thriving hub of activity within the Gateway and Enterprise Quarter. The applicant should work with the District Council and County Council to ensure the delivery of a diverse range of employment spaces to meet the needs of different employment sectors. The employment spaces should provide high quality, flexible working spaces with access to sustainable transport options and gigabit capable broadband. The delivery of employment spaces within the Otterpool Park development, alongside residential development, should offer the opportunity for people to live and work sustainably at the new garden settlement.

3.5.6. Heritage

The County Council considers that there is an opportunity for people to become actively engaged in the site's heritage through participation in archaeological-led activities through the life of the development programme. The employment of a project specific community archaeologist would be necessary to facilitate the delivery of such activities. KCC recommends

that this role is funded through developer contributions secured through the section 106 agreement.

The archaeological works, which are required to be carried out across the Otterpool Park development, will result in the production of an extensive archaeological archive, including physical artefacts and remains as well as paper and digital archives. Provision should be made for the long-term storage of, and public access to, the archaeological archive, funding for which should be secured through developer contributions secured through the section 106 agreement.

3.5.7. Waste Disposal

In 2017, KCC Waste Management completed an Infrastructure Review to understand the impacts of the predicted population growth, up to 2030, on its network of Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs) in Kent. This took account of projected population growth for each district and modelled which HWRC residents are most likely to use based on their location. It also accounted for which WTS kerbside collected waste would need to be delivered into. At the time the review was undertaken, the population in Folkestone and Hythe was set to increase by 13.9% by 2033.

There are two HWRCs in the district of Folkestone and Hythe; Folkestone HWRC and New Romney HWRC. The review showed that Folkestone HWRC will be over capacity by 2025. New Romney HWRC is a newer site opened in 2010 and is currently operating under capacity, and based on population projections is set to remain under capacity for the modelled period up to 2030. Ashford WTS (where the majority of Folkestone and Hythe's kerbside collected food and residual waste is delivered) will also be over capacity over the modelled period. The District owned facility at Ross Way, Folkestone where the recycled materials are bulked is also unsustainable.

The proposed level of growth at Otterpool Park will have a significant impact on the KCC waste disposal infrastructure in the area. Growth of this scale will result in both the Folkestone HWRC, Ashford WTS and Ross Way being unable to cope with this increased level of throughput. Further capacity is required to mitigate the demand from the proposed growth outlined in this application.

Ashford WTS and Folkestone HWRC are constrained by location and neither have the ability to be expanded. As a result, KCC Waste Management requires a new co-located HWRC and WTS in the locality, in order to account and provide for the growth planned at Otterpool Park. A facility of this kind would have a capital cost of approximately £7 million to build at present, excluding the cost of land purchase, which would attract an industrial premium. There is the opportunity for KCC to work in partnership with Folkestone and Hythe District Council to identify a new WTS and HWRC site in the District.

As this new facility would provide additional capacity beyond that required by Otterpool Park alone and an improved service benefitting the wider community the applicant would only be expected to fund a proportionate share of this new facility.

The provision for the applicant's share of the waste disposal infrastructure funded by the applicant should be secured within the section 106 agreement.

3.5.8. Country Parks

The proposed development is adjacent to Brockhill Country Park, a popular local park managed by the County Council, with a lake, open grassland and meadows, café, education and meeting facilities. Even if works begin upon commencement, the green infrastructure proposed by the development will take time to develop. In the interim, an upgrade to facilities at Brockhill Country Park will be required to mitigate the impact of additional visitors. The nature of this upgrade will need to be determined in discussions with the District Council and applicant, but may take the form of additional car parking or improvements to increase park and visitor accessibility. In addition, Brockhill can help to develop and support the new community as a more formal meeting space and a more informal social space for existing and new residents to come together in the early days of the development. There are existing, and potential future, volunteering opportunities, as well as possible health and wellbeing projects.

Any upgrade to Brockhill Country Park would also have longer term benefits to the development, for example Otterpool Park Primary Schools accessing Education and Training programmes, including Forest Schools that are delivered at the park.

The provision for these improvements funded by the applicant should be secured within the section 106 agreement.

3.6 Section 106 Agreement

The County Council is of the view that the developer contributions identified above and included as a table in Appendix A comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the Otterpool Park garden settlement proposal on the provision of those services for which the County Council has a statutory responsibility. It is requested that the Local Planning Authority seeks a section 106 obligation with the developers and any other interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, officer fees and expenses incurred in completing the section 106 agreement.

Providing certainty for the delivery and timing of the infrastructure needed to support the proposed development, through securing them in the section 106 agreement, is critical to the acceptability of the scheme. The matters which should be secured in the section 106 agreement will be subject to further detailed negotiations in which the County Council would expect to be fully involved as they will relate to the provision of services for which it is responsible. These services includes infrastructure requirements outlined above and included as Appendix A below:

- Education – nursery, primary, secondary and Special Education Needs,
- Transport infrastructure, including strategic transport improvements, public transport, walking and cycling provision off site

- Library services
- Community learning
- Early help (including youth services)
- Social Care
- Public health
- Employment space capable of accommodating KCC services as identified in this response, alongside other requirements
- Heritage
- Waste Disposal
- Country Parks

The section 106 agreement should make provision for:

- The transfer of freehold land at nil cost and in accordance with KCC's General Site Transfer Terms attached as Appendix C
- The full cost of construction, including build and fit out costs
- Third party land acquisition, compensation and procurement costs
- Cost of Compulsory Purchase Order and similar procedures in respect of transport infrastructure
- Revenue contributions to fund the start of service delivery where appropriate
- County Officer monitoring fees

Further details of the specific requirements are as set out in this letter and the attached appendices. The County Council requires that these are set out in the next draft Heads of Terms submitted by the applicant.

Where appropriate, section 106 obligations should be reinforced by Grampian conditions to prevent development from proceeding before the associated infrastructure is in place.

In recognition of both the scale and complexity of this project, the County Council is keen to contribute effectively to detailed negotiations, including the section 106 and section 278 agreements, the drafting of relevant conditions, the evolution of the master plan, details pursuant applications and provision planning. Further discussions are required across a range of infrastructure requirements before determination of the planning application. The County Council will ensure that all relevant service departments engage at the appropriate stages. The County Council would consider appointing dedicated resources to support negotiations and legal support if the applicant funded this resource.

The County Council wishes to be fully involved in the negotiations with the developer especially in concluding a section 106 agreement, albeit recognising that it is for the District Council to ultimately agree. The County Council expects to be a signatory to these agreements. In the event that the applicant is unwilling to meet the requirements set out in this response, and KCC has not been party to agreeing the terms of the section 106 agreement, KCC would object to the proposal on the basis that:

- it would fail to satisfy the NPPF and its principles of sustainable development including those for infrastructure provision

- KCC would be unable to discharge its statutory duties for example as the Strategic Commissioner of Education Provision in Kent and as Kent's Strategic Highways Authority

The County Council notes that this application was made on behalf of Cozumel Estates in association with F&HDC as joint applicants of Otterpool Park. In light of this arrangement, the complexity of land ownership and the dual role undertaken by the District Council, the County Council asks for further detail, provided on a full and confidential basis, on the:

- respective arrangements, including landownership and the proposal for enforcement given District Council's interest (as landowner and Local Planning Authority), so it is considered early in the process and any side agreements can be put in place alongside the section 106 agreement;
- relationship between these various roles including any joint venture arrangements once determined; and
- section 106 mechanisms, three tier planning arrangements and governance approach, beyond the basic outline submitted with the application

3.7 Phasing and Housing Delivery

The applicant is proposing an ambitious quantum of housing and an equally ambitious annual rate of completion. The County Council has some reservations about the deliverability of this annual rate of completion given historical rates of completion in the District. The Promoters have provided a greater level of detail for the phasing than is perhaps required at this stage of the process. The County Council believes these plans may be too detailed and unnecessarily fixed at this stage of the planning process. Further focus on reviewing and amending the parameter plans may be more appropriate at this stage to allow for the flexibility required to accommodate the delivery of development on such a large scale.

The County Council has reservations about delivering phase 1a and phase 1b in parallel and the impact this may have on developing the new community and delivering community infrastructure for the community as a whole. The County Council notes the approach to bringing forward phase 1A and phase 1B within the initial five years. Whilst the Promoters have reason, presumably relating to land ownership, to take this approach, the County Council continues to believe these reasons are insufficient to warrant commencing the development in this way. Bringing forward these two phases in parallel may hamper the communities from developing in a sustainable way, for example those residents in one phase will need to travel along the A20 to access services in the other phase for example the first primary school. As outlined in the highways chapter above, it is not conducive towards encouraging sustainable travel especially if the essential services and facilities are not opened very early on in the development. In particular, it is the Highway Authorities' opinion that phases should be built in the same locational area in order to ensure the maximum use of new services and in order to encourage sustainable transport. Kent County Council would therefore welcome further discussions on the submitted phasing plans.

3.8 Viability

KCC understands that the overall package of infrastructure required is broadly capable of being funded by the development. It is expected that this site is viable, that the applicant has calculated values and costs to ensure these infrastructure requirements detailed in this response will be met through section 106 and other legal agreements²⁸.

The applicant is commended for their placemaking ambitions; for example the vision outlined in their Creative and Cultural Strategy. However there must be a recognition of the impact of these ambitions on site-wide viability, in both the short and longer term.

The County Council welcomes the approach outlined in the application to capturing the uplift in land value to ensure the delivery of infrastructure on site, early on in the development. The County Council would ask for further detail on how this approach might work in practice.

The County Council will work with the District Council, the applicant and other partners in delivering large scale housing growth to identify and secure any relevant infrastructure funding to support the viability of this development. It will be necessary to demonstrate how the funding would help to accelerate the pace of delivery as that remains a key test for Government investment.

²⁸ Updated Planning Practice Guidance paragraphs 007 and 009 requires developer contributions for Education infrastructure <https://www.gov.uk/guidance/viability>

Appendix A – Draft Kent County Council Infrastructure Requirements.

SITE: OTTERPOOL PARK, FOLKESTONE & HYTHE DISTRICT

DRAFT AND SUBJECT TO MEMBER APPROVAL

Homes (C2 units)		643	51	694	
Homes (C3 Units)		7,857	1,449	9,306	
Total Homes		8,500	1,500	10,000	
Total Population		22,643	4,108	26,751	
Service	Requirement	Quantum (8,500 homes)	Quantum (1,500 homes)	Quantum (10,000 homes)	
Education	Nursery and pre-school provision	x 15 nursery settings	X 3.2 nursery setting	x 18.2 nursery settings	
Education	Primary school provision	up to x 6.9 two form entry schools	up to x 1.5 two form entry schools	x 8.4 two form entry schools	
Education	Off site and/or temporary primary provision	TBD	TBD	TBD	
Education	Secondary school provision	up to 10.6 forms entry school	up to 2.2 form entry school	up to 12.8 forms entry school	
Education	Off-site secondary provision	TBD	TBD	TBD	
Education	Sixth Form and Further Education	x 471 A-Level places	x 87 A-Level places	x 558 A-Level places	
Education	Sixth Form and Further Education	x 236 Further Education places	x 43 Further Education places	x 279 Further Education places	
Education	Specialist Provision	up to x 75 place	up to x 17 place	up to x 92 place	

		specialist education provision	specialist education provision	specialist education provision	
Libraries	Fully equipped, dedicated space in a community facility including book stock	TBD	TBD	TBD	
Social Care	Mix of residential, nursing, and extra care units	643 C2 units	51 C2 units	694 C2 units	
Social Care	Community and employment space	TBD	TBD	TBD	
Social Care	Contributions including capital fit out, maintenance charge, resourcing initial service	TBD	TBD	TBD	
Social Care	Assistive technology	TBD	TBD	TBD	
Social Care	Wheelchair adaptable housing	TBD	TBD	TBD	
Public Health	Community and employment space	co-locate with social care and NHS	co-locate with social care and NHS	co-locate with social care and NHS	
Community Learning	Community classroom space & contributions	TBD	TBD	TBD	
Early Help	Community space & contributions	TBD	TBD	TBD	
Early Help	Other specialist family/ children services	TBD	TBD	TBD	
Waste	New co-located Household Waste and Recycling Facility and Waste Transfer Station	TBD	TBD	TBD	
Transport	Public transport requirements	TBD	TBD	TBD	
Transport	Strategic highway network	TBD	TBD	TBD	

Transport	Off-site pedestrian requirements	TBD	TBD	TBD
Heritage	Preparation of Heritage Strategy	TBD	TBD	TBD
Heritage	Heritage Interpretation	TBD	TBD	TBD
Heritage	Archaeological storage	TBD	TBD	TBD
Heritage	Heritage interpretation facility(ies) or within other community venues	TBD	TBD	TBD
Heritage	Community archaeologist	TBD	TBD	TBD
Heritage	Heritage assets - sustainable use, enhancement, and conservation	TBD	TBD	TBD
Other	Country Parks	TBD	TBD	TBD
Other	Drainage and flood defence	TBD	TBD	TBD
Other	Ecological Mitigation	TBD	TBD	TBD
Other	Arts & Cultural delivery	TBD	TBD	TBD
County Resource	Officer resource including education reviews and section 106 monitoring	Lifetime of development	Lifetime of development	Lifetime of development
Digital Infrastructure	Gigabit capable fibre to the premise Enhanced 4G and 5G mobile services	n/a	n/a	n/a
Costs do not include capital cost of those assets developer/ infrastructure partner must build/ procure for example community buildings				
All costs will need to be index linked, subject to interest payments and late payment charges				

Appendix B - Population Modelling

Assumption 2.8 people per household

Current ONS projections assume average household is 2.20 within Folkestone & Hythe District and will reduce to 2.08 by 2031

2.8 projection similar to seen in study sites (Park Farm and Kings Hill)

	8,500 homes	1,500 homes	10,000 homes	Percentage breakdown of age ranges
Home Types				
Residential (C2 and C3) homes	8,500	1,500	10,000	
Residential C3 homes	7,857	1,449	9,306	
Age Range				
0 to 3	1,760	325	2,085	8
4 to 10	2,640	487	3,127	12
11 to 15	1,540	284	1,824	7
16 to 64	14,080	2,597	16,676	64
65+	1,980	365	2,345	9
Total population from C3 units	22,000	4,057	26,057	100
Residential C2 Units	643	51	694	
Total population	22,643	4,108	26,751	

Appendix C - General Site Transfer Terms

1. The developer/landowner to provide a formal site investigation report by a competent registered expert confirming that the land prior to transfer is free from the following:

- contamination (including radiation),
- protected species
- ordnance
- rubbish (including broken glass)
- any adverse ground and soil conditions
- occupation
- archaeological remains

Should any of the above be present the developer/owner to implement an agreed strategy of remediation/removal prior to transfer to KCC.

2. The site to be a single undivided site, and regular in shape capable of accommodating sports pitches.

3. The County Council to be granted a Licence for access onto the site, prior to transfer for the purpose of surveying and carrying out technical investigations.

4. The site and any associated areas i.e. playing fields are fit for purpose, above flood plain level, adequately drained and close to public transport.

5. The site to be provided to KCC level, if works are required to do so then they shall be undertaken by the owner and to an agreed specification and form of works

6. The site to be clearly pegged out on site to the satisfaction of the delegated representative of KCC's Head of Property and fenced with GIS co-ordinates prior to completion of the transfer.

7. The site to be freehold unencumbered and conveyed with full title guarantee and vacant possession with no onerous covenants.

8. Prior to site transfer the developer/landowner is to provide, at their own cost and subject to KCC approval suitable free and uninterrupted construction access to a suitable location on the site boundary. Haul roads should be constructed, at no cost to KCC, and maintained to a standard capable of accommodating HGV's and other construction traffic.

9. Prior to the site transfer the developer/landowner is to provide, at their own cost and subject to KCC approval adopted services and utilities to an agreed location(s) on the site boundary of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aide upon transfer. Utilities to include, fresh water, foul, surface water, gas, electricity and telecommunications. Necessary statutory undertakers' plant (such as electricity sub-stations or transfer stations) shall be located outside

of the site boundary and KCC shall not be liable for any costs (including legal costs) associated with the installation and commissioning of such plant.

10. The owner to provide KCC with full surface water drainage rights to allow discharge of all surface water from the school site into the owner's infrastructure without the requirement for storage tanks.

11. The developer/landowner is to provide temporary electricity and water supplies to the site from the start of construction if formal permanent utilities are not yet present.

12. Prior to the use of the site for its intended purpose i.e. a school, an adopted highway (or highway capable of being adopted), which is suitable for the intended use of the site is to be provided up to a suitable point on the site boundary together with a suitable alternative vehicular access for deliveries etc., if required. The highway and any alternative access is subject to approval by KCC and no maintenance charges shall be borne by the KCC should the developer chose not to adopt the road.

13. The developer/landowner to provide separate entrance and exit points on to the adoptable highway from the school site, capable of satisfying the Highway Authority's 'in and out' access requirements.

14. No mobile phone masts, overhead cables etc within 250m of a school site and where possible the developer/landowner to impose a covenant that none will be erected within this distance of any site boundary.

15. Rights to enter so much of the adjoining land within the ownership of the Developer as is reasonably necessary to carry out construction works on the site. The County Council to be responsible for making good any disturbance caused to the reasonable satisfaction of the adjoining owner in the exercise of these rights.

16. The landowner to be responsible for the County Council's legal costs and surveyor's fees together with administrative costs incurred during negotiations and in completing the Section 106 Agreement, taking transfer of the land including Land Registry costs, the granting of any easements/licences, or any other documentation and any Project Management agreements.

17. Plan of the site to a scale of 1:1250 to be supplied prior to transfer showing site levels, access, boundaries and details of any adjoining development. The plan is to be provided in a suitable electronic format together with paper copies. GPS Coordinates are to be marked on the plan.

18. Adjoining uses should not cause interference, conflict or be inappropriate in any way to the use of the site i.e. the curriculum delivery for schools. This also includes adverse conditions disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting etc

Appendix D – Primary School Service Requirements (2 Form Entry Primary School)

INCOMING SERVICES Electricity – 200 kVA (280A) Gas – 60 cu m/hr 430,000 kWh/year
Water - 15 cu m / day, 4 l/s (63mm NB)

Fire hydrant: to be in the Highway adjacent to the School entrance and within 90m from an entrance to the school building. In accordance with the fire regulations: 200 dia 20 l/s fire supply.

Broadband – Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and gigabit capable connections to multi point destinations to all buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future educational delivery. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

DRAINAGE Foul water discharge is usually as water supply; with a 150mm dia outlet. Surface water is variable depending on ground conditions. For a typical school with a playground and small car park, a SW discharge rate of c. 60 l/s is required. Any restrictions on the flow will require attenuation tanks to be installed at no cost to the County Council.

NOTE Clearly these are indicative, and KCC would need to confirm exact requirements at the detailed design stages.

January 2017

Appendix E - Education land take

School Type	Pupil Places	Land take required*
2 form entry primary school	420	2.05 ha**
3 form entry primary school	630	3.2 ha**
6 form entry secondary school	900 (excluding sixth form)	8.4 ha
8 form entry secondary school	1,200 (excluding sixth form)	10.5 ha
10 form entry secondary school	1,500 (excluding sixth form)	14.2 ha

* Whilst the total land take required for each school can be identified at this stage, any further breakdown of floorspace is subject to building regulations and building bulletins and cannot be specified within this planning application nor the section 106 agreement. In the case of primary schools, this land take includes space for nursery provision

** In their application, the applicant has indicated a total site size of 2.3ha for 3FE primary school land take. This is the DfE minimum for 630 pupils (i.e. 3FE primary without space for nursery provision). As the community strategy states nursery classes will be included in primary schools, the minimum site area for 711 pupils is 2.6ha, with a maximum of 3.2ha. Minimum site sizes do not seem to be in keeping with the aspirations set out in the documents accompanying the application, which seem to want to set the bar much higher than this. As land is being safeguarded, and may be released at a later date for development if demand is lower than anticipated, it would seem prudent to safeguard on a maximum rather than minimum basis.

Appendix F - Education Infrastructure Requirements

Education Type	Up to 8,500 homes	Up to 1,500 homes	Up to 10,000 homes
Nursery and pre-school provision	x 15 nursery settings	x 3.2 nursery setting	x 18.2 nursery settings
Primary school provision	up to x 6.9 two form entry schools	up to x 1.5 two form entry schools	x 8.4 two form entry schools
Secondary school provision	up to 10.6 forms entry school	up to 2.2 form entry school	up to 12.8 forms entry school
Sixth Form	x 471 A-Level places	x 87 A-Level places	x 558 A-Level places
Further Education	x 236 Further Education places	x 43 Further Education places	x 279 Further Education places
Specialist Provision	up to x 75 place specialist education provision	up to x 17 place specialist education provision	up to x 92 place specialist education provision

Appendix G - Current Electric Vehicle Charging Specification for Schools and Community Buildings

Schools

- 100% of car parking spaces for staff and visitors to have passive provision (i.e. ducting installed)
- 10% of all car parking spaces for staff and visitors (not including parents dropping off children) should have an electric charger installed.
- Recommended spec: Untethered, 22kwh Fast charger, 34Amp AC, Single Phase, smart (to enable school to monitor charging and recoup charging costs later or for users to pay at time of use)

Community Buildings

- 100% of car parking spaces for staff and visitors to have passive provision (i.e. ducting installed)
- 10% of all car parking spaces for staff and visitors should have an electric charger installed.
- Recommended spec: Untethered, 22kwh Fast charger, 34Amp AC, Single Phase, smart (to enable school to monitor charging and recoup charging costs later or for users to pay at time of use)

4. Digital Infrastructure

The Government's Future Telecoms Infrastructure Review, published July 2018, states that all new homes and developments should have full fibre or gigabit capable connectivity (i.e. fibre to the premise). Similarly, all new housing schemes and developments should be planned for adequate and future proofed mobile connectivity (5G and enhanced 4G services).

As a result, the County Council considers digital connectivity meeting the above requirements will need to be provided to all residential, business and community premises in the Otterpool Park scheme.

It is requested that Folkestone and Hythe District Council considers a requirement for the applicant to provide 'fibre to the premise' (gigabit capable) to all buildings (residential, commercial and community) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings. The County Council requests that before development commences, details shall be submitted (via condition or as part of reserved matters) for the installation of fixed telecommunication infrastructure and Gigabit Capable Fibre Optic to multi point destinations and all residential, commercial and community buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

The County Council requests that, should the District Council be minded to approve the application, the following informative is included within any decision notice:

The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises."

In respect of the Utilities Delivery Strategy (February 2019), the County Council notes that at point 2.6.6, the document refers to a variety of speeds obtainable via Fibre to the Cabinet (FTTC). The County Council would like to advise the applicant that only speeds up to 80Mbps can at present be obtained via this method – the speeds quoted of 300Mbps and 1,000Mbps can only be obtained by full fibre (i.e. Fibre to the Home (FTTH)).

The County Council notes that the proposal is for FTTH in Otterpool Park – this needs to include all commercial, educational, community and business premises – i.e. full Fibre to the Premises (FTTP) to every premise. The Policy SS9, part 2a requires all residential, business, community and town centre buildings and public spaces to be enabled for ultra-fast fibre-optic broadband provided to the premises.

KCC recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next digital infrastructure is a fundamental and integral part of the project. Access to gigabit capable broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. The applicant

should liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. KCC understands that major telecommunication providers are now offering gigabit capable broadband connections free of charge to the developer. Developers should also work with mobile network operators to ensure that premises can obtain enhanced 4G and 5G services from all four mobile network operators.

The County Council notes that Openreach has been approached, alongside an alternative utility infrastructure provider, GTC. KCC understands that the intended benefit of connecting adjacent communities to benefit from the FTTP system can only currently be achieved if Openreach is the chosen supplier – as GTC currently does not offer this type of product as they bundle their work with other utilities in new build only and do not currently retro-fit to existing communities.

The County Council would therefore recommend that the applicant engages with the County Council prior to entering into any agreements to ensure that the intention of the project can be realised with the chosen supplier. KCC is happy to advise on the detail of any project prior to any supplier being selected and to assist the developer generally with telecommunications issues that may arise.

5. Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, has reviewed the Mineral Resource Assessment prepared by SLR Consulting (on behalf of Arcadis Consulting (UK) Ltd). KCC considers that the Assessment is comprehensive and has identified the main economic minerals that the Otterpool Park development potentially affects in the relevant Mineral Safeguarding Areas (MSA), which are safeguarded under Policy CSM5 of the Kent Minerals and Waste Local Plan²⁹ (KMWLP). The safeguarded minerals are:

- Sub- Alluvial River Terrace Deposits
- Silica Sand/Construction Sand – Sandstone: Folkestone Formation
- Limestone Hythe Formation (Kentish Ragstone)
- Sandstone – Sandgate Formation

The report has analysed each mineral for its economic potential using available data. The County Council has interpreted following conclusions within the Assessment:

- Sub- Alluvial River Terrace Deposits - A high proportion of fines (silts, clays) in the region of 35% renders this mineral (superficial) deposit as not economic to process (washing). Though quantities are not estimated (though the depth is estimated at 0.0-5.0m), the mineral is a superficial type and from the evidence available does not have a significant area of deposition. It appears to occur along past water courses and may well be described as a marginal deposit. The assessment concludes that the mineral is of an uneconomic nature.
- Silica Sand/Construction Sand – Sandstone: Folkestone Formation - The mineral is correctly identified as an important economic mineral that consists of an aggregate (building or soft sands) and an industrial mineral (silica sands). Whilst the depth of the deposit is not identified, regional geological information is used to infer a potential depth of 15m.
- Limestone Hythe Formation (Kentish Ragstone) - Previous working of this aggregate bearing crustal unit is correctly noted, and though the ratio of more economic Ragstone to Hassock horizons is not known, it is anticipated to be between 20-50% of the bed thickness of 10m. The mineral is identified as of high economic probability.
- Sandstone – Sandgate Formation - A deposit that has been used in Surrey as a foundry sand but has not been extracted in Kent for that purpose. There was limited brick making (of a high clay fraction part of the deposit) in Westenhanger historically, and the assessment concluded that the mineral to be of an uneconomic nature.

The Assessment then examines the potential yield from the Otterpool Park area of the economic minerals and states:

²⁹ <http://consult.kent.gov.uk/file/4073744>

- Limestone Hythe Formation (Kentish Ragstone)- assuming a recovery of 30% of the material and a 10m depth with a density 2.7 tonne/cubic metres could come from the site, giving a yield of 17.2mt.
- Silica Sand/Construction Sand – Sandstone: Folkestone Formation- assuming a thickness of 5 metres and a recovery of 75% and a density of 1.6 tonnes/cubic metres the site could yield 1.1mt.

The Assessment considers the relevant exemption from the presumption to safeguard criteria in Policy DM7 of the adopted KMWLP. It concludes that extraction of the economic minerals would take a considerable length of time.

The Assessment states that it would take 57 years for the Kentish Ragstone to be extracted, given an assumed extraction rates of some 300,000 tonnes per annum [roughly half the total assumed Kent rate of extraction for this mineral].

The Assessment states that it would take eleven years for the Folkestone Formation deposit at 100,000 tonnes per annum [which is the equivalent 20% of the total assumed Kent rate of extraction for this mineral].

These extractions would delay the delivery of housing to a degree that would render the project unviable and contrary to the sustainable development strategy of the CSR.

The Assessment also questions the practicality of developing the site post prior extraction, particularly regarding the impact of the typical 15m deep quarried voids typically associated with the hard rock quarrying of this material. The permitted reserves of hard rock (Kentish Ragstone) are also sufficient to meet the adopted KMWLP objectively assessed need over the Plan period and beyond (assuming a 0.78mtpa extraction rate). In light of these conclusions, the sterilisation of these areas of Ragstone are considered to be acceptable, in that to do so would not jeopardise the steady and adequate supply of this type of hard rock derived aggregate into the future in Kent. The Assessment notes that this does not apply to the Soft Sands reserves, though makes the point that quarries producing Soft Sand are running at 58% capacity and there is 8.85mt of available reserves (which will only need replenishment toward the end of the Mineral Sites Plan period with 1.99mt [now 2.5mt]) based on 2017 aggregate monitoring data. The 'loss' of 1.1mt of windfall Soft Sand prior extraction has to be balanced with the need to deliver sustainable development overall, including the delivery of Otterpool Park.

The County Council, as Minerals and Waste Planning Authority, notes that the Mineral Assessment correctly identifies the nature and potential of the economic minerals that are threatened with sterilisation by the non-mineral development proposed at Otterpool Park. It goes on to make the case that their sterilisation is acceptable, in that it can be justified by invoking criterion (5) of Policy DM7 of the of the KMWLP. It is considered that the submitted Mineral Assessment evidence justifies this conclusion and an exemption from the presumption to safeguard the economic minerals present on the site is acceptable.

However, notwithstanding the above, the site for the materials recycling facility and anaerobic digestion plant at Otterpool Quarry lies within the site of the proposed development at

Otterpool Park. The facility was granted planning permission by KCC under reference SH/08/124. The planning permission has been implemented, and is therefore lawfully extant – however, the facility is not yet active. The site is safeguarded for waste management purposes under policy CSW6 of the KMWLP.

With regard to the Otterpool waste facility, consideration needs to be given to where the needs for the management of this waste stream can be met elsewhere, if required, as to not adversely impact the county's ability to self-sufficiently manage its own waste. This review is often carried out through an Infrastructure Assessment (waste) to satisfy Policy DM8 of the adopted KMWLP.

The County Council, as Minerals and Waste Planning Authority, is keen to engage with the applicant and the District Council at the earliest opportunity on this matter to resolve this conflict with the proposed development at Otterpool Park.

6. Public Realm

6.1 Street furniture

The County Council has a standard palette of materials for those areas of the highway which will be adopted by the County Council as Local Highway Authority as referred to in Chapter 1, page 26. The County Council relies on a standard palette in order to have confidence in the robustness and suitability of materials from a safety, ease of maintenance and cost perspective. Poorer quality materials can fail more quickly and be costly to maintain. Alternatives might be considered providing that they are “fit for purpose” provide the same function (including safety/robustness and other criteria), are no more costly than standard pallet costs and are readily available now and in the future. No commuted sums are required where the standard palette is used and applied.

When embedding public art in the public realm and street furniture, the applicant must consider the long term aesthetics and long term maintenance of these assets.

6.2 Lighting

The County Council has reviewed the external lighting proposed within the Design and Access Statement (February 2019) (DAS) and welcomes the consideration of the environmental zone classification and reference to the Institution of Lighting Professional guidance document – Guidance Notes for the Reduction of Obtrusive Light.

It is best practice for the quantity and illumination of lighting proposed to be set at the minimum level necessary. It should be positioned and directed only where it is required to minimise glare, with the design of lighting complying with lighting levels, uniformity and other parameters of current and relevant lighting standards. All street lighting should be timed so that it is not illuminated during day light hours.

The County Council’s current policy³⁰ is for the all night operation of street lighting, but it does implement a dimming regime at a predetermined time of the night to reduce lighting levels and energy consumption. This is undertaken by the County Council’s Central Management System (CMS). The CMS operation is standard for all new lighting installations across Kent adopted by the County Council, so would also be required at the Otterpool Park development. Part night lighting would need to be discussed with the County Council.

The Design and Access Statement makes reference to the presence of feature lighting on key routes and fitments, to complement the character of the external areas. KCC requests clarity on whether this street lighting is proposed for adoption. The County Council has a palette of materials which are required to be adhered to for any equipment that is proposed for adoption. The Street Lighting List of Approved Apparatus immediately follows this section. There are likely to be further revisions of the Street Lighting List of Approved Apparatus at the detailed design lighting stages of the Otterpool Park development and so it is recommended that the

³⁰ <https://democracy.kent.gov.uk/ieDecisionDetails.aspx?Id=878>

applicant enters into discussions with KCC on street lighting at relevant stages of the development to ensure they are working to the latest requirements and specifications.

With reference to street lighting column heights for particular routes, the County Council considers that the height of the required columns is largely dictated by the uniformity requirements for the specified lighting class. Higher levels of uniformity require taller columns.

The County Council does not use or adopt bollard lighting or solar powered lighting. The use of these types of lighting would need to be privately owned and maintained.

KCC notes that point 4.7.12 of the Design and Access Statement refers to figure 134 - 'Precedent images to illustrate building typologies'. The correct reference should be Figure 142.

6.3 Street lighting list of Approved Apparatus

Asset Type	Material Description	Specification	Manufacturer
Columns	Galvanised Steel post top column 5 / 6 / 8 / 10 & 12 m (Integral or separate brackets with approval only)	KCC coastal specification. Unpainted unless approval sought and granted.	Stainton Fabrikat CU Phosco
	Flange plate columns (as above)	As above	Fabrikat
	Galvanised steel raise and lower post top columns 5 / 6m	Coastal specification Trent mid hinged range with normal door	Stainton
	Ornate columns Commutated sums applicable	Subject to approval	
Sign posts	Galvanised wide based post	G1 finish KCC Coastal Specification	Stainton Fabrikat
Embellishment Kits		Subject to approval	Metcraft

To be procured with internal node. To be ordered to Kent specification	Commuted sums applicable		
Wall Mounted	Wall pack Bulkhead	To be confirmed To be confirmed	
CMS nodes / DCU / DCUR / network coverage design.	Control nodes to be fitted by the developer.	Telematics Wireless Control nodes.	Telematics Wireless
Sign Lights Solar powered sign lights	LED Subject to approval	LUA range (to include photocell): 3w for small plates (600mm and under) 8w for large plates (over 600mm)	Simmons signs
Photocells for sign lights		Microstar 35/18 lux	Royce Thompson
Signs, bollards, feeder pillars, boxes, beacons,	Material Description	Specification	Manufacturer
Sign Faces	Class 2 reflective		RBLI

School Crossing Patrol Signs	Pulsa LED	Pulsa LED magnetic switch School to take responsibility for programmable control unit	Simmons signs
Beacons	AVG-3 Refuge Beacon	Higlow Beacon Opal & non-flashing LED unit	Charles Endirect
	AVG-3 Belisha Beacon	Higlow Beacon Amber & flashing LED unit	Charles Endirect
	Midubel	Midubel Belisha Beacon LED unit	Simmons signs
Illuminated Bollards	Re-flex (Flexible)	LED base box	Haldo or other approved
	Safelite (600)	LED base box	Haldo
Solar powered bollards	Solaboll	Dual aspect LED	Pudsey Diamond
Non-Illuminated Bollards	Reflex Bollard	Metro Plus anti- twist	TMP
Pole and Wall Brackets and Boxes	Pole brackets		Pudsey Diamond
	Wall Brackets		
	Wall Boxes		
Feeder Pillars	Galvanised feeder pillar	3mm hot dipped galvanised steel to BSEN ISO1461	Charles Endirect Haldo Lucy Pudsey Diamond
Cut outs and Secondary Isolation	Lockable Safety Isolators	LSI 2, 3 & 4 range	Charles Endirect
Commando sockets		To comply with BS7671	

Cable Joints		To comply with BS7671	Birkett
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7. Public Rights of Way

The County Council recognises that the following Public Rights of Way (PRoW) are directly impacted by the proposed development at Otterpool Park:

Public Bridleways:

- HE271
- HE271A
- HE317

Public Footpaths:

- HE221A
- HE274
- HE275
- HE277
- HE281
- HE302
- HE303
- HE314
- HE315
- HE316
- HE371

The locations of these PRoW are indicated on the extract of the Network Maps, at the end of this section. The Network Map is a working copy of the Definitive Map.

The County Council considers that the Otterpool Park development provides a significant opportunity to improve access across the site and offer sustainable transport options to the Otterpool Park community. The County Council notes that this is reflected in the submitted Sustainability Statement (February 2019), which covers the importance of reducing the reliance on private cars. This would have a range of benefits, including reduced localised congestion, improved air quality, reduction in traffic noise and the promotion of healthy lifestyles with an overall improvement to the connectivity to the wider area.

The County Council notes that the site currently has limited public access. The Design and Access Statement (DAS) states that Otterpool Park will provide excellent pedestrian connections across the site, linking the new community with the wider landscape and surrounding communities. The County Council would like to ensure that these opportunities for improved connectivity will also be delivered for cyclists and equestrian users.

7.1 Walking, cycling and equestrian access

The County Council supports the proposed PRoW infrastructure, which will be complemented by bespoke green travel measures, building on the opportunities offered by the existing and proposed walking, cycling, equestrian and public transport infrastructure.

The use of Kent Design guidance³¹ is welcomed and KCC expects that all PRoW within the site are retained and protected. KCC is pleased to see that all existing PRoW have been accommodated within the areas of green open space (apart from HE303, which appears to

³¹ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/regeneration-policies/kent-design-guide>

be a dead end route). HE303 provides access to Ashford Road and the connectivity of this path within the development will need to be considered.

The full width of the existing PRow routes must be accommodated within the development layout and improved to a standard which can accommodate all year round use. The County Council is supportive of the submitted Walking and Cycling Strategy (February 2019), which looks to ensure that all walking and cycling routes are of high quality with all weather surfacing. Surface improvements will be required as part of the development to mitigate against the impact of the increase used generated by the new Otterpool Park. The applicant should be made aware that any proposed work on the existing surface of a PRow must be approved and authorised by the County Council PRow and Access Service.

The Walking and Cycling Strategy also states that the crossing facilities incorporated into routes that cross the A20 between the northern and southern parts of the development will give priority to pedestrian and cyclists (and equestrians, where there is a bridleway). The County Council is supportive of these crossing improvements, alongside the proposed safe crossing points over Otterpool Lane and the A20, between A261 and M20 to the existing footpath HE281. Additionally, the County Council requests that all access route crossing points over existing and proposed PRow within the site are kept to a minimum. Where crossing points are required, these will need to be approved by the County Council PRow and Access Service.

The County Council supports the proposed shared footway and cycleway on the southern side of the A20 to connect with a possible cycle route to Folkestone and improvements to provide cycle and pedestrian shared route access. The primary cycle path routes and footpaths that follow the primary access roads – which is assumed will become part of the adopted highway - will help towards more sustainable travel choices. The majority of proposed secondary cycle paths and footpaths are accommodated within traffic free green corridors or areas of open space and provide additional connectivity through the site and to the surrounding settlements.

The County Council's previous comments on the Environment Impact Assessment Scoping Report noted the limited reference to equestrian users. The County Council welcomes the inclusion of a number of additional bridleway routes included within the application. In line with Kent Design Guidance³², these routes have been accommodated within areas of green corridor. The routes provide essential links to the surrounding settlements, the wider network and recreational facilities, such as at the Royal Military Canal, the Saxon Shore Way and the Downs.

There is a lack of equestrian access from the site to the east. There is potential for the applicant to upgrade the existing footpath (HE281) to bridleway, with the view of securing further bridleway access through Sandling Park, providing links to Brockhill Country Park and Hythe. The County Council understands that is proposed that only part of the footpath HE281 that is within the site boundary and in the applicant's control that will be upgraded. However, the potential bridleway access outside the site boundary is something that should be explored as part of the external PRow network improvements.

³² <https://www.kent.gov.uk/about-the-council/strategies-and-policies/regeneration-policies/kent-design-guide>

7.2 PRow improvements

The Otterpool Park development will have far reaching impacts on the PRow network. The application identifies PRow links outside the site boundary, including for footpaths HE281 and HE293 - routes that will experience an increase in pedestrian movement as a result of the development. There are however, no specific details of external PRow improvement work within the application.

As referenced within the Otterpool Park Transport Assessment (February 2019), the development will be influenced by the travel needs of the existing and future communities. A balance is needed between providing a place to live and work and the amenities that the population needs, whilst providing easy connections to and from the neighbouring communities. The improvement of the external PRow routes will not only help mitigate the impact of the increase use from the development, but will also provide connections to these neighbouring communities, facilities and the wider countryside – and this will need to be secured via developer contributions. The County Council would welcome discussions at the earliest opportunity with the applicant and the District Council on the list of priority network improvements that the PRow and Access Service has compiled.

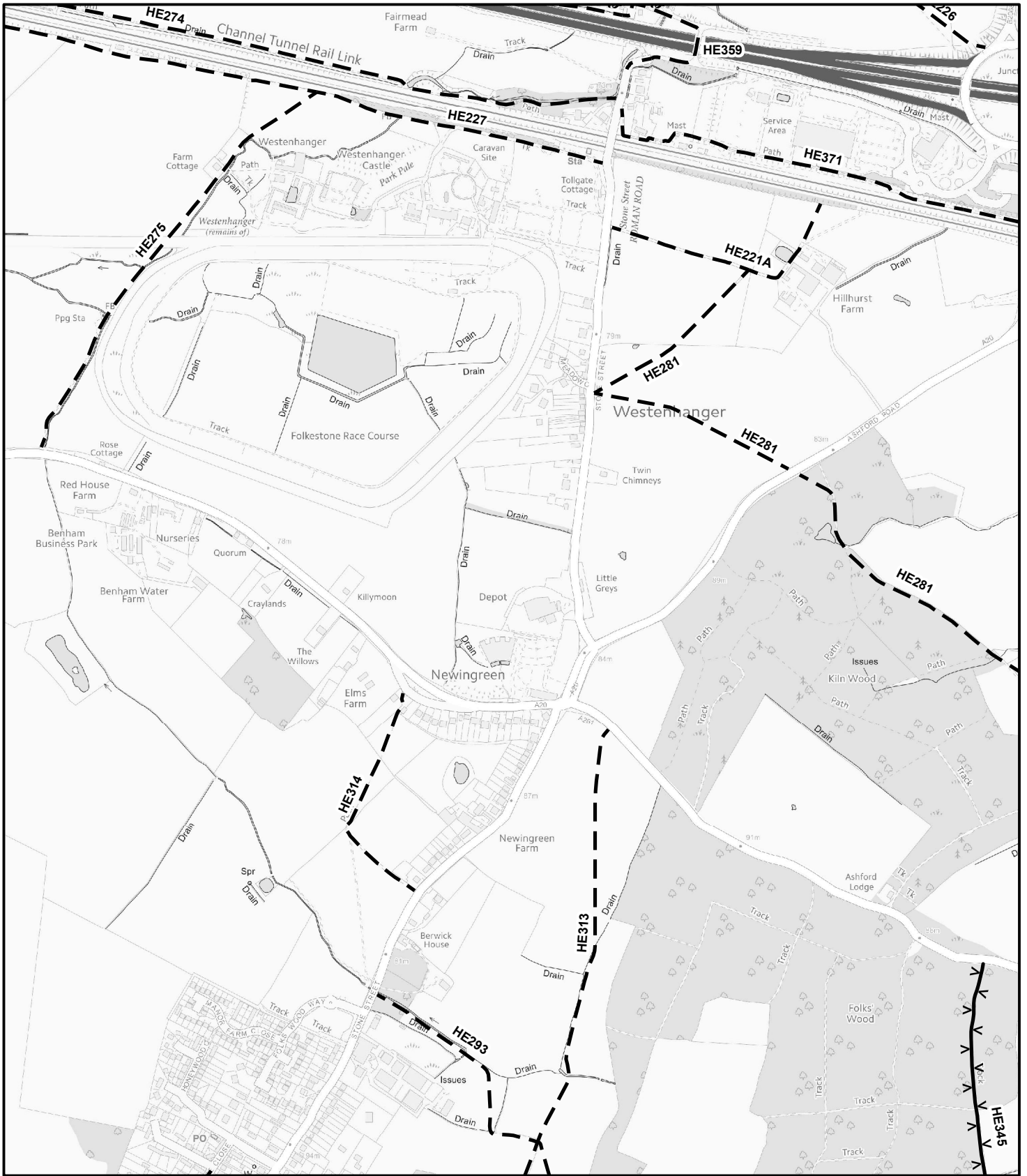
Overall, the County Council considers that public access within the site has been well considered. However, there are opportunities to further improve the sites access, to encourage sustainable travel patterns and further increase the opportunities available for recreation, active travel and exercise. The applicant should contact the County Council PRow and Access Service at their earliest convenience to address the issues raised and avoid any unnecessary delays to the planning process.

The applicant should also be aware that any PRow diversions must be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the PRow network as soon as possible. It is important that Folkestone and Hythe District Council is in a position to make the necessary Orders at the point at which consent is given.

Lastly, the applicant should be made aware of the following:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1.5 metre of the edge of the Public Right of Way.
- Any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by the County Council for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, the PRow and Access Service will need six weeks notice to process this.

7.3 Extract of the Network Map 1



- — Footpath
- | — Bridleway
- ∨ ∨ ∨ Restricted Byway
- ⌵ ⌵ ⌵ Byway Open to All Traffic
- ↔ Point path number or status changes
- ■ ■ Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

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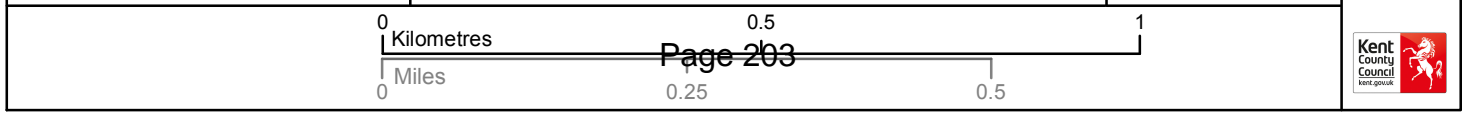
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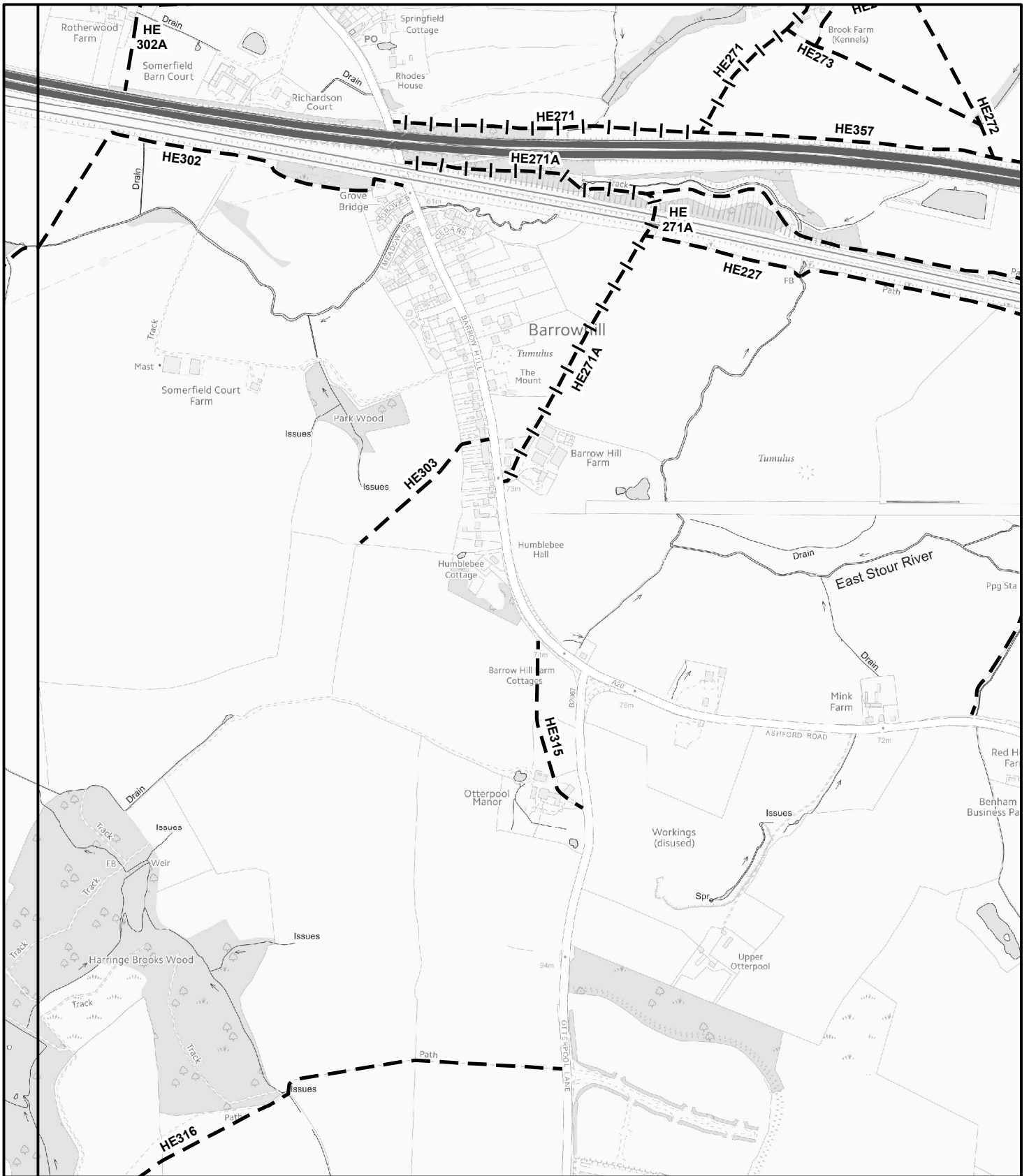
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7.4 Extract of the Network Map 2



- — Footpath
- |- Bridleway
- ∨ ∨ Restricted Byway
- ⤴ ∨ Byway Open to All Traffic
- ↗ Point path number or status changes
- ■ ■ Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

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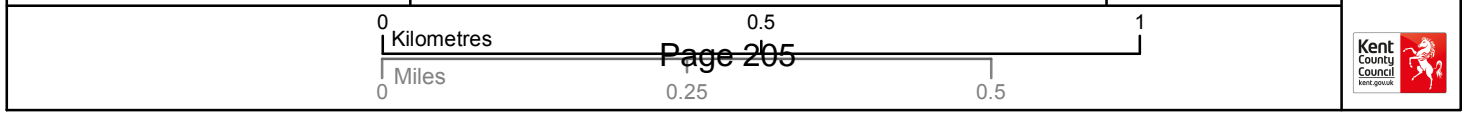
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7.6 Extract of the Network Map 3

8. Sustainable Urban Drainage Systems

The Flood Risk Assessment and Drainage Strategy submitted to support this development applications demonstrates how surface water will be managed within the scale of development. It is proposed that surface water will discharge from the site at rates not to exceed greenfield runoff rates. It is agreed that this is an appropriate approach to ensure flood risk is managed. This states principles which need to be assessed as further detail design is undertaken for the next stages of planning.

It is particularly important as noted within the FRA that downstream flood volumes on the River East Stour are not increased. The development proposal identifies areas where infiltration can be utilised, and these opportunities should be maximised within detailed design. Re-use of surface water provides additional benefit in management of surface water volumes and reduction of potential flood risk downstream of the proposed development, though this is discussed, further detail should be provided to KCC as Lead Local Flood Authority.

NPPF promotes inclusion of sustainable drainage systems which are multi-functional. Any drainage provision should be provided which adopts a sustainable drainage approach with consideration of water quantity control, water quality protection, amenity provision and biodiversity enhancement. The information as submitted supports this approach but further detail will need to be provided as detailed design is progressed.

There are specific concerns in relation to level of detail provided for a development of this magnitude:

- a) The delivery time frame occurs over a lengthy planning horizon. It would be expected that changes will occur within the development delivered per phase. Any strategic drainage provision must be sufficiently flexible to provide for changes within the contributing catchment and also evaluate the timing of contributions to the River Stour.
- b) As there has been a commitment to ensuring that surface water flows to the River Stour do not increase, it is important that the baseline flow rate within Stour is defined downstream of the Otterpool development.
- c) A phasing plan has been included within the planning application - it must be clear how different phases and areas contribute strategically the strategic surface water drainage network.
- d) With delivery over a lengthy period of time and with possible changes in development which comes forward, there should be a mechanism which confirms that the baseline conditions in the Stour have not been exceeded. If surface water volumes have increased then mitigation should be proposed to ensure that the impacts to surface water flows and potential flood risk are mitigated.

KCC agrees and strongly supports the proposal for a more detailed Water Cycle Study to be completed with greater design detail in the next stage of planning which further assesses matters raised in the Outline Water Cycle Study and Flood Risk Assessment. The sustainable drainage and water supply benefits are mentioned but no specifics are presented. The ability to control surface water volumes may require a “consumptive” use in addition to maximising infiltration to manage excess volumes. A detailed Water Cycle Study should be undertaken prior to or in conjunction with further development of the next planning stage at Reserved

Matters. This study should define the baseline flows within the East Stour and a strategic drainage framework for the development.

The County Council recommends that any approval includes the following conditions:

Condition:

Prior to the submission of any application for the approval of Reserved Matters a detailed water cycle study and water cycle strategy shall be submitted to (and approved in writing by) the local planning authority, which provides a detailed framework for the sustainable provision of water cycle infrastructure, and which includes consideration of water supply and flood risk management objectives and promoting sustainable drainage solutions. A baseline for flows in the River East Stour shall be assessed and defined.

Reason:

To ensure the development is served by a sustainable water supply and ensure that satisfactory arrangements for the disposal of surface water are incorporated into the proposed layouts and occur to the environment.

Condition:

No development within each phase or Reserved Matter site shall be commenced until a surface water drainage scheme for the relevant phase has been approved in writing by the Local Planning Authority. The surface water drainage scheme shall comply with the principles and strategy as defined by the detailed water cycle study and water cycle strategy, incorporating sustainable drainage systems and maximising infiltration. The surface water scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site and without resulting in any changes to the baseline conditions in the River East Stour.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water

drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

9. Heritage Conservation

The County Council has reviewed the documentation in respect of heritage conservation and is providing a strategic overview of some of the key heritage issues, which should be considered in the determination of this planning application. The County Council will also be providing detailed advice directly to Folkestone and Hythe District Council on this application, as the District Council's archaeological advisor.

9.1 Summary of main comments

The Environmental Statement (February 2019) (ES) states that the "evaluation has provided sufficient information to develop an understanding of the heritage resource within the site and informed how mitigation is approached" (paragraph 9.4.5). The County Council does not agree with this statement. KCC considers that there is a clear and urgent need for further targeted archaeological evaluation works to be undertaken before the application is determined. If this evaluation is not carried out, there may be grounds to raise a holding object to the application in its current form.

The County Council does not agree with the assessment of the level of harm that the proposed development would cause to Westenhanger Castle, as set out within the ES, but considers that the harm is greater than suggested and that the current masterplan needs to be revised to mitigate against a case for objecting to the proposal on this ground.

The County Council considers that the whole group of prehistoric barrows on Barrow Hill should be preserved in-situ as a rare survival of a group of upstanding barrows, particularly in Kent. KCC also does not think that preservation within sports pitches or some types of open space may be appropriate if it would prevent the appreciation of the landscape context of the barrows. The County Council recommends that the proposed masterplan should be amended to allow meaningful preservation, in line with national policy.

A Heritage Strategy should be agreed before the application is determined. The County Council considers that the current scope of the Heritage Strategy should be revised to provide a positive and visionary strategy that explains how heritage benefits will be maximised, such that future residents can best appreciate, understand and enjoy their significance.

The County Council welcomes the principle of ensuring that Otterpool Park has a clear sense of identity. KCC considers that the rich heritage of the area must play an important role in the identity of the new settlement. The NPPF highlights the role that the historic environment can make to sustainable communities and the positive contribution that it can make to local character and distinctiveness. It is essential that Westenhanger Castle plays a major role in defining the identity of the new town.

The County Council notes that the ES does not make provision for the discovery of further important archaeological remains, beyond those already identified by the limited trial trenching undertaken to date. Further, presently unknown archaeological remains that may require preservation in situ should be expected and prepared for.

There is an opportunity for people to become actively engaged in the site's heritage by participation in archaeological-led activities through the life of the development programme. The employment of a project specific community archaeologist would be necessary to facilitate the delivery of such activities. KCC recommends that this role is funded through developer contributions secured through the section 106 agreement.

KCC recommends that opportunities should be taken to allow new and existing residents to interact with and enjoy the heritage of the site. The ES commitments to the creation of on-site heritage interpretation, trails and walks are welcomed.

The archaeological works required to be carried out across the Otterpool Park development will result in the production of an extensive archaeological archive, including physical artefacts and remains as well as paper and digital archives. Provision should be made for the long-term storage of, and public access to the archaeological archive, funding for which should be secured through developer contributions via the section 106 agreement.

9.2 Archaeological assessment and evaluation

The proposed Otterpool Park development has been subject to archaeological evaluation works to inform the proposed masterplan. The evaluation trenching carried out to date has been undertaken at a low density (approximately 3%) and only provides partial coverage of the site, having focussed so far on areas which could be easily accessed.

Reports have been submitted on the evaluation trenching undertaken to date. These form part of the baseline data supporting the ES. The County Council has noted that there are several errors within these reports, which may affect the soundness of some of the conclusions reached within the ES. The County Council has provided more detailed comments direct to Folkestone and Hythe District Council on this matter.

The County Council considers that in some areas, the ES has assigned too low a level of significance to heritage assets. In other instances, the magnitude of the effect of the development on an asset's significance has been downplayed. This has meant that some significant effects have been identified as non-significant in the Statement and as such, have not been given sufficient consideration in the masterplan.

It is highly likely that further important archaeological remains will be found within the Otterpool Park development area. These may include finds within areas already subject to trial trenching, in consideration of the low level of evaluation so far. By way of an example, evaluation trenching to the south-west of Otterpool Manor has suggested the presence of Neolithic features; however, within the scope of the limited evaluation, it has not been possible to properly characterise and understand whether this interest is of national importance. Similarly, the assessment of significance of the prehistoric barrows has been based on a very low level of evaluation. The County Council considers that if a precautionary approach to preservation in situ is not taken, there will be a need for further evaluation to determine significance before final decisions on development layout are made.

The County Council notes that the application suggests that the Neolithic interest is of medium importance (county or regional) – however, not enough evaluation has been undertaken to reach such a conclusion. The Neolithic interest may be of national importance and could require the masterplan for this part of the site to allow for the preservation of a large area. It is essential that further evaluation work is carried out at this stage of the design and planning process to ensure that any identified nationally important remains are preserved ahead of the reserved matters and design code stages.

The County Council recommends that archaeological trial trenching should take place at the former Lympne airfield site and adjacent to Link Park prior to the Otterpool Park outline planning application being determined. This area is identified within the Otterpool Archaeological Fieldwork Strategy (2017), prepared by Arcadis, as being an area of high archaeological potential. Geophysical survey has shown extensive archaeological remains across this area, but the precise character and their significance is not yet fully understood. It remains possible that the archaeological remains here could be of high importance. Additionally, this area of the site is identified as being of increased potential for Palaeolithic archaeology.

Appendix 9.16 of the ES provides a desk-based assessment for Geoarchaeology. This identifies the potential for Palaeolithic remains in various parts of the site, KCC considers there is clearly a need for further archaeological evaluation in these areas. Evaluation should take place in the fissure deposits and head/brickearth deposits as a minimum prior to determination of the Otterpool Park planning application. The Pleistocene and Early Holocene stratigraphic model should be updated with the results of the geotechnical investigations and the site should be characterised according to its Palaeolithic potential.

Additionally, further evaluation should be undertaken in areas of colluvium and across alluvial floodplains where geophysical surveys should also be undertaken to help identify subsurface stratigraphy. This work should be undertaken as soon as possible to help inform the layout of development or habitat creation.

Within the southern part of the Otterpool Park site, there are several buildings and structures associated with the use of Lympne airfield during WW2. Surviving airfield structures include various air raid shelters, pillboxes, RAF huts, battle HQ bunker and shelter, a gas decontamination building, a munitions store and other ancillary buildings. The County Council notes that the applicant has undertaken a screening assessment of these structures and has suggested that the battle HQ bunker and a Pickett Hamilton Fort (a type of retractable pillbox used at airfield locations that are nationally rare) are likely to meet the criteria for designation through listing. A second Pickett Hamilton Fort is suggested to be present, but could not be assessed because it was inaccessible, being buried under a spoil heap. The County Council considers that further information is required on the survival and condition of this second Pickett Hamilton Fort before it can be ruled out for listing. Indeed, the fact that it was observed in a sunken (retracted) state in 2005 might increase its significance if this means that its internal mechanisms survive.

Although other buildings and structures are not identified as possible listing candidates, KCC considers this should not automatically mean that their loss should be accepted. Retention of these military assets, individually and as a group would, in combination with the interpretation

and heritage trails already proposed within the ES, help ensure that the important role that RAF Lympne played in WW2 remained appreciable within the new settlement.

In the area of the recently identified Roman villa, the County Council considers that it would be appropriate to undertake further evaluation adjacent to Red House Farm and on the north side of the A20 Ashford Road to ensure that the full extent of the villa is properly understood and taken account of in the masterplan.

Overall, the County Council considers that there is a clear need for further targeted archaeological evaluation works to be undertaken before the application is determined. This information must be provided to mitigate against potential grounds for objecting to the Otterpool Park planning application.

The County Council also considers there is need for the assessment of the historic built environment provided by the applicant to be reviewed in relation to historic buildings of less than national importance and the setting of Conservation Areas. The County Council notes that Folkestone and Hythe District Council does not currently employ an in-house Conservation Officer, so KCC encourages that specialist advice is sought on this area.

9.3 Setting of heritage assets - Westenhanger Castle

The County Council does not agree with the assessment of the level of harm that the proposed development will cause to Westenhanger Castle, as set out within the ES, and considers that the harm is greater than suggested.

The setting of Westenhanger Castle will be harmed due to the significance of the monument based on the current proposal and changes to the setting that will be incurred by Otterpool Park. The County Council does not consider the Otterpool Park development in its current form to be an enhancement to the setting of the monument. Whilst it is recognised that there may be some benefits delivering a positive impact, the overall effect is harmful.

The County Council does not consider that the proposed development will lead to substantial harm in terms of Paragraph 196 of the NPPF, but notes that substantial harm is a very high test. The NPPF requires that great weight should be given to the conservation of designated heritage assets - irrespective of whether the harm amounts to substantial harm, or less than substantial harm. The County Council currently considers the harm to be "very high", and although less than substantive, it is at upper end of the 'less than substantial harm' spectrum. Overall, the County Council does not think that the applicant's assessment of this harm is sufficiently thorough.

The County Council does not consider that the ES has properly considered the effect that the development will have on the setting of Westenhanger Castle. The application appears to have given greater weight to the view from the causeway back towards Westenhanger Castle, which is just one of many important views from and towards the castle. The NPPF defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced". The County Council considers that the ES has taken a too narrow view as to what constitutes the setting of Westenhanger Castle. It has focussed too heavily on a limited number of views,

rather than fully considering how the landscape setting of the castle contributes to how it is experienced.

Westenhanger Castle was once one of the very great houses in Kent and in the sixteenth century was under Royal ownership. It was set within a substantial deer park, which surrounded the castle on all sides. KCC acknowledges that to the north, the castle's setting has been harmed by the M20 motorway, domestic and Channel Tunnel Rail Link rail lines which have severed the castle from its estate to the north. The County Council considers that this makes the remaining aspects, particularly those to the west and south, more sensitive to change.

The County Council places special importance on the castle's southern aspect. This is because it is from the south that the castle was historically approached (by means of a tree-lined causeway). Also, historically, the castle would have included chambers that were designed to take advantage of the view south from the castle. It is here that KCC believes the more formal elements of the castle's landscape would have been located, including a walled garden immediately south of the scheduled area.

The County Council agrees that the south aspect has seen change since Tudor times, not least through the establishment of the racecourse. Nevertheless, the current openness that the racecourse provides helps visitors to Westenhanger understand that the castle was once set within a very extensive deer park, which historically extended as far as the A20 Ashford Road. The County Council considers that this openness is a key part of how the asset is experienced and thus is a key part of its setting.

The Otterpool Park proposal includes development that extends close to the scheduled monument to the west and east. The County Council considers that this development, which includes higher density development, encroaches too closely on the castle. It is noted that more extensive open space is allowed for to the south, but this does not extend fully to the Ashford Road, except for a reduced corridor along the line of the former causewayed approach. Resultingly, the ability to understand and appreciate the former extent of the deer park would be lost. The open space proposed to the south of Westenhanger Castle is too small and a significantly greater area of open space, that extends fully to the A20 Ashford Road, needs to be allowed for.

It is essential that the former status of Westenhanger as a great house set within a large park can be understood and appreciated. The current masterplan does not allow for such appreciation and should be revised accordingly to mitigate against a holding objection to the scheme on this matter.

9.4 Setting of heritage assets - prehistoric barrows

The applicant has provided a Statement of Significance for the prehistoric barrows that have been identified within the development area. Five of the barrows, four of which form the core of the group on Barrow Hill, have been assessed as nationally important and four of those within the application site have been noted as regionally important. The County Council does not agree with the conclusion that the outer barrows of the group on Barrow Hill should be

regarded as regionally important, as there has been insufficient evaluation to determine the character and significance of each of those barrows. Furthermore, there is an absence of analysis on how the individual barrows relate to each other as part of the group; or how they have been located in the landscape in terms of topography, aspect, natural features and other prehistoric monuments in the area. KCC considers that the group of barrows should be considered as a whole, and together regarded as nationally important. It should not be assumed that the larger barrows are the primary components of the group – it is possible that one of the smaller barrows is the earliest in date. Barrow 130, as an example, has not yet been dated and could have been constructed in the late Neolithic period. The possible ring ditch identified in Trench 96 to the arch of Barrow 114 may also be part of the group.

The group as a whole and its landscape setting should be preserved in situ as a rare survival of a group of upstanding barrows, particularly in Kent. Preservation within sports pitches or some types of public open space may not be appropriate if that would prevent an appreciation of the landscape context of the group. An appropriate level of open space should also be allowed around Barrow 44, which is located on a spur of higher ground to the east of Burnbrae. The proposed masterplan should be amended to allow meaningful preservation, in line with national planning policy.

9.5 Setting of heritage assets – farmsteads

The County Council welcomes the initial assessment of the historic farms within the site and in the adjacent area (Appendix 9.3 of the ES). The report notes that the farms at Otterpool Manor, Upper Otterpool and Newingreen Farm survive relatively well as historic farms, but no recommendations have been made as the buildings fall outside the application site. There are farm buildings which lay outside of the site, of which their setting will be affected by the development within the site. It is important therefore that a sufficient buffer zone is provided within the Otterpool Park masterplan to ensure that these farms retain a sense of their farmland setting. KCC recommends that the masterplan is reviewed in this context and amended accordingly.

If historic farms have undergone partial demolition, or other development, the County Council considers that it may be appropriate to encourage any new development to use the layout of the historic farm for the location of new buildings.

9.6 Proposed Otterpool Park Heritage Strategy

The ES commits the applicant to produce a Heritage Strategy for Otterpool Park – however this has not been provided with the application. This Strategy must be submitted ahead of determination of the outline application.

The County Council has been in discussion with the applicant and their consultant Arcadis on the production of the Heritage Strategy. However, KCC considers that the scope of the emerging strategy as proposed is more appropriate for an action plan for dealing with known heritage assets within the Otterpool site, rather than providing a true strategy.

The County Council considers that there is a need for a strategy that provides an overall heritage vision for the future development that builds upon and links back to the high-level aspirations described within the Otterpool Park Charter. The Heritage Strategy should consider how the benefits that the rich heritage brings to the site will be maximised in the immediate, medium and long-term and set out commitments as to how these goals will be achieved.

The emerging Heritage Strategy should consider how heritage will play an on-going role in shaping the identity of Otterpool Park and contribute to the overarching place-making objectives. The proposed Strategy should explain how the new community will experience and enjoy the historic environment of Otterpool, and in doing so, how the area's heritage can contribute to objectives around health, wellbeing, education and community.

The emerging Heritage Strategy should link with other relevant strategy documents, including the Cultural and Creative Strategy. It should also allow for future new discoveries and consider how these might be dealt with.

The emerging Heritage Strategy should also link to the draft Folkestone and Hythe District Council Heritage Strategy and explain how the proposed development might help deliver some of the aspirations and recommendations contained within the district wide strategy.

The County Council considers that the scope of the Heritage Strategy should be revised to provide a positive and visionary strategy that explains how heritage benefits will be maximised, such that future residents can best appreciate, understand and enjoy their significance. At present, the scope is too focussed on mitigating harm, not promoting positive benefits. The Strategy must be agreed with the County Council and District Council prior to the determination of this outline application.

9.7 Placemaking

The County Council welcomes the principle of ensuring that Otterpool Park has a clear sense of identity. The rich heritage of the area must play an important role in the identity of the new settlement. The NPPF highlights the role that the historic environment can make to sustainable communities and the positive contribution that it can make to local character and distinctiveness.

The County Council considers that it is essential that Westenhanger Castle plays a major role in defining the identity of the new town. The castle is currently located just outside the planning application boundary. Potentially, if the castle were brought into the red-line boundary - the application could better ensure a long-term sustainable future for Westenhanger Castle.

The proposed development will cause harm to the significance of Westenhanger Castle. The NPPF describes how this harm should be weighed against the public benefits of the proposal. These public benefits must include heritage benefits, such as ensuring that the castle has a viable future.

The County Council considers that the application should positively develop new or existing uses for this nationally important heritage asset and that any future use of the castle promotes and supports public access to the site. KCC considers this has not been adequately addressed in the present application. The County Council is not satisfied that sufficient heritage benefits can be delivered at the castle if it is not included within the red-line boundary.

The character of the historic environment should be used to influence and help design the layout, form and character of the proposed new development. An initial Historic Landscape Characterisation (HLC) has been provided in Appendix 9.3 of the ES. It is recommended that it would be beneficial to use the predominant type of rectilinear fields with wavy boundaries (HLCT1.6) to influence the layout of the development, including the major transport routes, which in the current proposal appear as an imposed form not in keeping with the landscape.

The County Council recommends that the HLC should be updated periodically as new information becomes available, particularly in relation to archaeological remains.

As well as using the site's rich heritage to shape the new place, the County Council considers that it is essential that opportunities are built into the development that allow new residents to interact with and enjoy the heritage of the site. KCC welcomes commitments within the ES for the creation of on-site heritage interpretation, trails and walks. It is important that appropriate provisions are put in place (either through conditions or legal agreement) to ensure their delivery and on-going management.

Further, on-site facilities for heritage interpretation should also be included within the Otterpool Park development, either within dedicated spaces, or preferably integrated within proposed community venues, schools and public buildings.

The long-delivery timetable means that new residents will be living at Otterpool Park as development works progress. There will be a need for extensive programmes of archaeological investigation and recording throughout the development works. The NPPF explains that developers should record and advance understanding of heritage assets that will be impacted, and to make this evidence publicly accessible.

The County Council considers that there is an opportunity for people to become actively engaged in the site's heritage by participation in archaeological-led activities through the life of the development programme. The employment of a project specific community archaeologist, funded through developer contributions secured through the section 106 agreement, would be necessary to facilitate the delivery of such activities. The County Council considers that this approach would be in line with garden settlement principles and the vision of the Otterpool Park Charter.

9.8 Archaeological mitigation programme

The ES acknowledges that the proposed development will involve extensive groundworks to facilitate the construction of the new settlement, and that these groundworks are likely to have a significant and widespread impact on archaeological remains. There will also be impacts

from ecological mitigation works and the establishment of green and blue Infrastructure (including from advanced structural planting works).

The ES does not appear to make provision for further important archaeological remains beyond those already identified by the limited trial trenching undertaken to date. The County Council does not think it can be assumed that mitigation through investigation (by record) will be an acceptable response for all archaeological remains. Further presently unknown archaeological remains that will require preservation in situ should be expected.

The NPPF explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It also notes that “the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted”.

Significant parts of the site have not been evaluated and are not identified for trial trenching prior to determination of the planning application. The County Council considers that this presents a risk, as there is a high possibility that nationally important archaeological remains could be present within un-trenched parts of the Otterpool Park site. If pre-determination evaluation is not carried out within all areas that will be impacted by development, KCC considers that it is essential that there is sufficient flexibility in the masterplan to allow for the preservation in situ of as yet unknown, but nationally important archaeology.

It is noted that sufficient flexibility is not currently identified or demonstrated. The County Council also considers that the ES incorrectly assumes that archaeological excavation would be a suitable response for any future archaeological discoveries.

The County Council acknowledges that there will be large areas of the site where archaeological remains will be present, but that much of the archaeology present will be of a level of significance such that their loss is accepted, providing that they are appropriately investigated and recorded. The ES sets out options for archaeological mitigation in paragraph 9.4.7. Where accepted, KCC agrees that such mitigation measures could be secured through planning conditions, as suggested in line with paragraph 9.4.10 of the ES.

The archaeological works will result in the production of an extensive archaeological archive, including physical artefacts and remains and paper and digital archives. Provision should be made for the long-term storage of, and public access to, the archaeological archive. The funding for this archive service should be secured through the section 106 agreement. Furthermore, the results of the archaeological investigations undertaken at Otterpool Park will need to be published.

At present, the ES allows for the archaeological preservation in situ of the recently discovered Roman villa close to the A20 near Red House Farm, part of a Prehistoric barrow group at Barrow Hill, and a single barrow located just north of the former racecourse straight.

The County Council would like to raise concerns about the proposal to preserve part of the group of barrows at Barrow Hill under playing fields and recommends that more information is required to understand whether this will result in meaningful preservation (including how this might be managed in the long-term).

The County Council would also welcome clarification of how the barrow adjacent to the former racecourse straight will be preserved. The ES states that the barrow will be preserved in situ under public open space (para 9.4.63), but such open-space is not shown on the masterplan drawings. KCC requests confirmation that this barrow will be preserved in situ - a meaningful area needs to be agreed between the County Council and the applicant.

Where archaeology is preserved in situ, an appropriately resourced plan must be put in place to allow for the ongoing management of the archaeology. KCC therefore recommends that the applicant is required to submit and resource an Otterpool Park Conservation Management Plan.

The County Council is keen to further engage with the applicant and their consultants to discuss the heritage conservation matters raised within this response.

10. Cultural Strategy

The County Council welcomes the submission of the Cultural Strategy (October 2018) and endorses the Strategy's ambitions and recommendations. Cultural vibrancy helps to create sustainable and successful communities.

The County Council supports the approach to cultural learning in schools. KCC recommends that this is adopted as a priority and that new schools are designed and built in partnership with expertise to make sure this approach is embedded from the start.

Otterpool Park should aim, not to duplicate Folkestone's cultural infrastructure, but recognise Folkestone's critical role as a resource in providing activity for the Otterpool Park community. KCC recommends that the applicant considers how the new community at Otterpool Park will be able to reach central Folkestone by public transport to support, and benefit from, the day and night-time economy of Folkestone.

The County Council recommends that the applicant develops a programme of cultural co-location in Otterpool Park that sees space for cultural production and activity co-located with other community spaces and services such as libraries, health centres and community centres.

The County Council also recommends that the applicant includes co-working and short lease workspaces to support new ways of working within the Otterpool Park masterplan. The creative sector is predominantly freelance and co-working dramatically increases productivity and business success rates.

The County Council would also like to show support of the approach by the applicant that enables new communities to design and build their own homes, supported by local architecture and design businesses.

11. Stewardship Arrangements

The County Council notes the governance arrangements as set out within the applicant's Governance Strategy. The County Council supports the approach to establish a new body or possibly bodies to manage a variety of assets within the development over the longer term. Discussions with the applicant to date have been at a very high level and the County Council requires further discussions with the District Council and the applicant in relation to governance and long term stewardship, in particular in relation to public realm and managing community buildings which will be required to deliver KCC services.

It cannot be determined at this stage whether schools can secure additional revenue streams, and this cannot form an integral part of any business model.

KCC is supportive of applying the multi-speciality community providers approach at Otterpool Park but would require that any future discussion includes both social care and public health, alongside health partners.

The County Council requires further consideration by the applicant of how community development and stewardship of the new development are connected. Going forward, the existing community should be more involved in shaping these two workstreams.

When developing the business model for the stewardship body, the applicant will need to consider the long term cost of maintaining high quality public realm. The County Council agrees it is vital to determine the ownership of a range of assets alongside their maintenance regime early on in the application process. The County Council is happy to discuss options for managing both the public realm and sharing community buildings providing these meet appropriate standards including safety requirements, accessibility and cost considerations. The County Council is willing to share previous experience from a range of sites from across the County to inform the stewardship arrangements.

12. Biodiversity

The County Council is satisfied with the range of species/habitat surveys carried out by the applicant and considers that they provide a good understanding of the ecological interest of the site. An overview of the mitigation has been submitted, and in general, KCC is satisfied, however would like to raise several concerns. The County Council has provided further detailed ecological advice on this application direct to Folkestone and Hythe District Council.

The proposed dark corridors for bats appear to be very narrow, and the County Council is concerned that adjacent residential areas will result in a high light spill into these areas. KCC requests that the proposed buffer is incorporated into the site. It should be ensured that no lighting will be added within this dark corridor at a later stage.

The applicant should explore whether there is capacity within the north east of the Otterpool Park development to create the replacement water vole habitat.

The County Council notes the proposal for offsite breeding / wintering bird mitigation in response to the loss of habitat. However, mitigation proposal is on land outside the applicant's ownership – so it is not clear how the mitigation measures will be implementable in practice.

Overall, the mitigation that is proposed is being considered on a sitewide basis, but if approved, the development will be built out in phases. The County Council requests further clarity on the mitigation areas that can be developed in advance of the development taking place.

The habitats on site will be multifunctional, with a number of uses, including biodiversity mitigation, amenity and sustainable urban drainage systems – therefore, there is need to ensure that the proposed mitigation can be implementable, taking into account the constraints.

Open space areas will need to be developed in advance so that they have time to establish, before the various phases of development are occupied. These areas will need to be protected during the main development phases. The County Council is not supportive of any encroachment of residential uses into the areas identified for open space. KCC would also like to understand if the proposed sports pitches will have lighting – the area to the north east of the area is an area with good bat usage and flood lighting could have a negative impact on it.

The County Council requests that a Management Plan is submitted for the Otterpool Park development, should permission be granted for this application. There is a need to ensure that there is only one management plan for the whole site (as opposed to separate phase by phase Plans and Open Space Plans). The Management Plan must reflect the requirements of the Biodiversity Action Plan.

The County Council notes that there will be a need for updated surveys and monitoring of the site for through the construction process across the development.

The County Council notes that the applicant is proposing to create a 20% net gain, which is aspirational. This can only be demonstrated once the development has been implemented.

The Habitat Regulations Assessment (HRA) details that the air quality effects on Folkestone to Etchinghill Escarpment Special Area of Conservation (SAC) are not predicted to have any significant effect on the integrity of the SAC. The County Council advises that confirmation should be sought from an air quality specialist to confirm if the conclusions of the report are correct. The HRA provided details of visitor surveys undertaken by Arcadis at locations along the Folkestone to Etchinghill Escarpment SAC and at the Wye and Crundale Downs SAC. The surveys identified that a significant proportion of people use particular walking routes because of the proximity to their home and/or within 20 minutes maximum drive time. The HRA has assessed that when provided, green spaces are more likely to be used than designated sites.

The County Council agrees with this in theory, but green infrastructure may not be created during the early stages of the development. Therefore, there is a risk that there will be a short term increase in recreational pressure on the designated sites. Additional information is required to clarify why the applicant is satisfied that there will not be an increase in recreational pressure on the Folkestone to Etchinghill Escarpment SAC and at the Wye and Crundale Downs SAC.

13. Landscape

The County Council recognises that due to its scale and location, the proposal will have an impact on the setting of the Area of Outstanding Natural Beauty (AONB) and would refer to the Kent Downs AONB Unit and Natural England on this matter.

14. Emergency Planning and Resilience

The County Council recommends the applicant has a design-in approach to enhance landscape and community resilience against flooding, air and water pollution and other potential risks. The scale of this site presents the potential to deliver an exemplar scheme in terms of adaptation and mitigation of climate change impacts, such as:

- Periods of increased and reduced precipitation can be mitigated through managing water use and supply.
- Increased temperatures can be controlled through the use of shading and vegetation. Examples could include green-walls, pale coloured materials, positioning of units and the use of water features).
- Biodiversity should be enhanced through landscape design utilising connectivity and complex topography, shade and wetlands).
- Air quality should be optimised utilising for example extensive new woodland and street tree planting.
- A reduction in fire risk through avoiding conifers and non-native trees which create a heavy litter layer.
- Biosecurity could be enhanced through the avoidance of invasive non-native trees and shrubs, utilising local provenance native planting and natural regeneration while enabling dynamic natural processes across new natural habitats such as floodplain woodland and scrub which function without human intervention.

15. Climate Change

The County Council welcomes the inclusion of an Energy Strategy as part of the application. There are a number of positive proposed policies and technology installations set out within the Strategy relating to energy efficiency, renewable energy and electric car charging.

However, with the recent changes in Government targets to Net Zero Emissions by 2050, and the current draft Kent and Medway Energy and Low Emissions matching the net zero emissions target by 2050. The County Council would recommend that the applicant is more ambitious with regards to the standards that are being proposed for both residential development and non-residential development. The County Council would have expected the applicant to be targeting standards 20-30% better than building regulations. In addition, in light of the revised, accelerated targets, KCC would strongly recommend that the applicant considers the installation of a Central Heating and Power network (CHP) and district heating.

It is recognised that the idea of hydrogen fueled network may be too costly for the development, however, the County Council notes that Scotia Gas Networks (SGN) is currently reviewing the potential for hydrogen trials and questions whether the applicant should explore the potential for the Otterpool Park development to be part of this trial as well as looking at emerging low carbon Government Funding. The County Council would be happy to work with the applicant to explore opportunities further.

The technologies covered within the Energy Strategy are generally accepted – although the County Council questions whether solar water heating has been considered by the applicant.

It is recognised that technological changes are occurring continually, however, the County Council considers that the applicant should demonstrate a clear approach for the development in terms of an energy preference. Options are discussed within the Energy Strategy, and the applicant appears to be considering the use of gas for the development, following on to more electrically driven energy forms as the various carbon and cost drivers are introduced. The County Council requests the techno-economic model for this pathway. If the development is built utilising high fabric standards (eg. Passivhaus), this could potentially reduce the reliance on gas. Whatever the energy approach for the development, KCC recognises that there is need for high level investment in gas and electric infrastructure in the area, which is in turn, acknowledged by the applicant.

The County Council welcomes the recognition that smart technology will play a part in reducing energy and carbon emissions, although further detail on this is requested.

In March 2019, the UK Government announced intentions to implement by 2025, a series of measures to help reduce the UK's greenhouse gas emissions and tackle climate change, including the Future Homes Standard³³. The applicant should have consideration of how this may impact the development at Otterpool Park.

³³ <https://www.theccc.org.uk/2019/03/13/ccc-welcomes-government-commitments-to-new-low-carbon-homes-and-green-gas/>

The County Council has had discussions with the District Council on the matter of BREEAM Excellent and BREEAM Outstanding. Clarification should be provided as to whether this will be included in the Strategy.

Overall, the County Council considers that the applicant should further explore opportunities for adapting to climate change, heat, shade and water usage to ensure the development at Otterpool Park is environmentally sustainable.

16. Design

In 2018, Kent County Council commissioned Design South East to provide advice on how the county's public and private sector could deliver higher design quality more consistently, particularly in housing development. As part of this exercise, two workshops were held to facilitate a county wide dialogue on how the county could raise design quality, and equally importantly, deliver high quality consistently across all scales, types and geographies. These workshops attracted participation from local authorities, developers, housebuilders – including volume housebuilders – agents, consultants and statutory consultees. They identified a range of factors which would contribute to raising design quality across the County. Those factors most relevant to Otterpool Park are outlined below. The applicant is requested to consider these as the development progresses:

- Commit to and deliver collaboration in practice between stakeholders on the strategic decisions that impact on design quality at Otterpool Park - before, during and after the planning process.
- Ensure the Otterpool Park Place Panel is an integral part of the design discussions
- Work with the District Council to use design review as a tool for design dialogue and design quality management
- Engage the existing and future communities at Otterpool Park more constructively in the design debate generally and in the development of this garden settlement. Realise the value of a truly engaged public.
- Ensure future proposal aligns with Kent's Design Guide³⁴.

As the applicant is seeking higher, exemplar design standards for community buildings (for example schools) then additional contributions may be required to fund these higher standards.

³⁴ It is anticipated that the refreshed Kent Design Guide will be published in 2020.

17. Sports and Recreation

The County Council welcomes the provision proposed for sport, leisure and community facilities – which includes sports pitches and planned cycle and walking routes. It is recommended that the applicant takes account of Sport England's policies, guidance and standards in relation to sports and playing field/pitch provision³⁵, as well as active design guidance to maximise the benefits from these provisions.

The current Government and Sport England's strategies for sport are very much focussed on tackling inactivity and supporting/encouraging under-represented groups to be active. Through the national Active Lives Survey, it was concluded that 25% of people nationally (24% now in Kent, 26% two years ago) are inactive and this is having knock on effects on physical and mental health, as well as individual and social/community development. Nearly 23% of the Folkestone and Hythe population are reported to be inactive and 33% are doing less than the Chief Medical Officer's guidelines of 150 minutes of sport / physical activity per week. Therefore, any development needs to consider a mix of formal and informal areas/spaces (indoor and out) where people can be active, including walking and cycling routes and open spaces.

At Ebbsfleet Garden City, Ebbsfleet Development Corporation is developing a Sport & Physical Activity Strategy as part of its work as a Healthy New Town. Sport and Leisure Consultancy (SLC) has been commissioned to assist with the Strategy and the consultancy has held a series of workshops with local stakeholders to develop a vision, objectives and an action plan. The County Council recommends that the applicant also considers this approach and suggests contacting Ebbsfleet Development Corporation / SLC to explore this further.

The County Council would also like to draw the applicant's attention to KCC's local strategic framework - Towards an Active County³⁶, which may provide some useful local context to be incorporated into the proposal at Otterpool Park.

Shepway Sports Trust are a local provider that may be able to support local development opportunities – KCC recommends that the District Council considers options for Shepway Sports Trust to play a specific role within the Otterpool Park development.

The County Council is in agreement with Sport England that there is need for developer contributions to be directed at facilities for sports development and to facilitate the delivery of Active Design principles.

³⁵ <https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>
<https://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/facilities-planning-model/>
<https://www.sportengland.org/facilities-planning/active-design/>

³⁶ <https://www.kentsport.org/about-us/towards-active-county/>



Planning Representations
 Medway Council
 Gun Wharf
 Dock Road
 Chatham
 Kent ME4 4TR

Environment, Planning and Enforcement

Invicta House
 County Hall
 MAIDSTONE
 Kent ME14 1XX

Phone: 03000 415673
 Ask for: Francesca Potter
 Email: Francesca.potter@kent.gov.uk

BY EMAIL ONLY

19 July 2019

Dear Sir / Madam,

Re: Innovation Park Medway, Rochester, Medway, ME1 2XX

Thank you for consulting Kent County Council (KCC) on the proposed Local Development Order (LDO) and accompanying Environmental Statement (ES) in support of the creation of a mixed use business park, featuring c101,000sqm of predominantly high-tech and innovation-oriented B1/B2 commercial uses.

The County Council is supportive of the proposed DCO put forward by Medway Council for Innovation Park, which will meet an existing need for employment floorspace in Medway. The creation of new employment at the site is welcomed and will create valuable opportunities for people across Kent and Medway. The opportunity to drive new inward investment to Innovation Park is clear and will provide local agencies, such as Locate in Kent, with a quality offering that assists Kent and Medway to be recognised as a first choice location for businesses. With the site having already attracted an allocation of £8.1 million in Government support through the Local Growth Fund, the site is well positioned to operate as a high value employment centre.

KCC has reviewed the submitted documentation and would like to raise the following comments.

Highways and Transportation

The site lies to the north of the Bridgewood Roundabout, Taddington Roundabout and Lord Lees Roundabout at the M2/A229 junction (M2 Junction 3). A significant proportion of the trips generated by the proposal are expected to pass through these junctions, which already suffer capacity problems.

The Transport Assessment (TA) (dated 2019) considers the impact of the development, which is expected to generate approximately 1,092 vehicle trips in the AM peak and 753

vehicle trips in the PM peak (two way). This will be distributed across the surrounding highway network.

Microsimulation modelling has been undertaken for a 2028 time horizon to determine the impact of the proposed additional development traffic. Potential mitigation measures have been coded into the 'with mitigation' modelled network. These mitigation measures, including proposals for increasing entry flares and additional lanes and signal timing optimisations at Bridgewood and Lord Lees, are set out in section 6.2 of the TA. It is concerning that these measures have not been assessed in terms of engineering feasibility or deliverability or whether third party land may be required. Whilst it is anticipated that the works can most likely be achieved within highway land, the feasibility and deliverability, and whether the measures proposed will realistically lead to an improvement in capacity, should be properly investigated and determined. For instance, the traffic signals in this area are already operating dynamically, with 'real time' adjustment made to timings according to changing traffic flows. It is considered that lane discipline and blocking back across entry arms are more significant inhibitors to efficiency and that more significant interventions are needed.

Whilst the County Council, as Local Highway Authority for Kent, has concerns over the practical mitigation of the Innovation Park, it is accepted that a joint longer term solution is required in the area, to include input from Highways England. This is necessary to bring schemes forward to address concerns over likely future traffic impacts on the A229 strategic link between M2 and M20 via Taddington and Lord Lees Roundabouts, including from the proposed Lower Thames Crossing. As part of this, a Pre Strategic Outline Business Case (SOBC) has recently been submitted to Transport for the South East for Large Local Major (LLM) scheme funding for significant upgrades to A229 Blue Bell Hill, including M2 and M20 junctions. It is hoped that this will receive approval to progress design work for potential construction from April 2024 and opening in 2026.

With this in mind, a potential way forward in respect of the Innovation Park could be for the Bridgewood Roundabout improvements to be more fully investigated (as set out above) and then implemented by the developer via a Section 278 Agreement. The measures proposed at the Lord Lees Roundabout should be fully investigated and costed and, subject to the agreement of the County Council, should be secured as a contribution to enable the Highway Authority to deliver as a scheme or to contribute to a more significant enhancement as set out above.

The County Council has reviewed the proposed LDO highway conditions (H1 – H8). The majority of these conditions relate to how required standards will be met within the site and at its access, which is within Medway Council's responsibility as Local Highway Authority.

Condition H8 relates to works to be carried out on the public highway, to be approved prior to occupation. This condition must make reference to the County Council as the approving authority for any specified works to the public highway within its area of responsibility.

KCC requests that the Travel Plan (referred to in H4), any subsequent monitoring and the Construction Management Plan (condition C1) must be shared with the County Council, where the impact will be within its area of responsibility.

For informative 6, which relates to Section 106 contributions, KCC requests that the presumption should be that the developer undertakes all necessary mitigation works (subject to the approval of the relevant authority) and where this is not feasible, the Section 106 mechanism should be used, if agreed by that authority.

Minerals and Waste

The County Council, as Minerals and Waste Planning Authority for Kent, has no comments to raise on this LDO.

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority for Kent, is content with the LDO from a surface water drainage perspective. The conditions relating to the provision of a surface water drainage system and verification of construction, as listed within the LDO, are acceptable.

Heritage Conservation

Background

The County Council has had previous involvement as Medway Council's archaeological advisor, and previously advised (at the EIA screening and scoping stages) that the site's archaeological potential was uncertain, due to a lack of past investigation. It is generally considered unlikely that remains of national significance exist on the site, but such remains cannot be entirely ruled out. It was judged that archaeological matters could be dealt with by conditions within the LDO (it is noted that conditions A1 to A4 of the draft LDO relate to archaeology).

The County Council notes that archaeological works are underway on the Rochester Airfield site, in relation to works to improve the airfield. These works fall outside of the LDO area, but have revealed intact archaeology of Prehistoric and Romano-British date; demonstrating the potential for archaeological remains to be present. The Romano-British archaeological features include quantities of tile/brick, which could be indicative of a Roman building in the general area of the airfield.

Whilst it was determined that archaeology would not be considered as part of the EIA process, it was agreed that an Archaeological and Built Heritage Desk-Based Assessment would be prepared as part of the LDO supporting evidence base. The draft LDO does refer to an Archaeological and Heritage Impact Assessment prepared by CampbellReith, but this document does not appear to be listed within the LDO consultation documents, KCC requests an opportunity to have sight of this document.

The proposed Schedules

The archaeological conditions are applicable to development that falls under Class 1 of Schedule A, Class 1 of Schedule B and Class 7 of Schedule D. KCC considers that the draft LDO has correctly identified where archaeological conditions would be applicable.

In addition, KCC notes that works permitted under Classes 2, 3, 4, 5 and 6 of Scheduled D could result in impacts on below ground archaeology. As archaeological impacts would not occur in all instances, KCC recommends that any archaeological requirements could be secured by means of additional conditions, in line with paragraph 4.19 of the draft LDO.

The draft conditions

Conditions A1 to A4 of the draft LDO relate to the site's archaeological interest.

Condition A1: This condition requires the agreement of a written scheme of investigation / method statement for the site's archaeological evaluation.

Condition A2: This condition requires the submission of a written report, setting out the results of the archaeological evaluation works agreed under Condition A1. The condition notes that the report on the evaluation works should include a strategy for the subsequent preservation in situ of archaeological remains and/or further archaeological investigation and recording.

KCC notes that preservation of archaeological remains would be dependent on there being sufficient flexibility in any design code, parameter plans and/or masterplan. If these do not allow for sufficient flexibility, then layout elements may become fixed too early and would remove the ability to meaningfully preserve important archaeological remains in situ.

KCC recognises however that not all archaeology will warrant preservation in situ. It is likely that the site will also contain archaeological remains whose character or significance is such that their loss can be accepted, provided that there is opportunity for such remains to be appropriately investigated and recorded. Such investigation measures might include archaeological excavation/investigation ahead of development, a watching brief during construction or a combination of the two.

As such, KCC considers there is a need for an additional archaeological condition after Condition A2 to cover such instances where safeguarding (preservation in situ) or further investigation and recording of archaeological remains is required. Such an additional condition should require a) agreement of a written scheme of investigation / method statement for the preservation in situ of important archaeological remains and/or further archaeological investigation and recording; and b) the requirement to submit a Post-Excavation Assessment Report and Updated Project Design detailing the results of any safeguarding or investigation and recording works.

Condition A3: This condition refers to the need for the publication of the archaeological investigations and the deposition of the resulting finds and archive. The inclusion of this

condition is welcomed. KCC recommends that the condition would be more appropriately titles as “Publication and Archiving”.

KCC understands that Rochester Guildhall Museum (Medway’s museum) is not currently accepting archaeological archives as it is now full and that it does not have the capacity to accept new depositions. At present, archaeological archives are generally being held by the archaeological contractors, but this is not a sustainable long-term solution. Medway Council may wish to consider ways in which an appropriate contribution could be secured to cover the long-term storage and curation of any archaeological archive generated.

Condition A4: This condition relates to archaeological conduct and KCC has no objection to its inclusion.

Masterplan / Design Code

In respect of the Innovation Park Illustrative Masterplan, included within the draft Design Code, KCC would encourage the promoter to consider ways in which the development could draw positively on the site’s airfield history. Features like the circular airfield marker and the lettering ‘ROCHESTER’ are typical of historic grass airfields. Historic aerial photographs suggest that the present marker is on, or close to, the location of its WW2 equivalent. The marker seemingly falls within the proposed Innovation Park site and it would be a shame if this feature could not be retained or reflected in the masterplan. Other features, like the arrangement of the grass runways, would be affected by the proposal, but their various alignments could perhaps be reflected in any future masterplan layout for the site. It is recommended that the applicant also considers other means by which the historic airfield use of the site could be used to provide Innovation Park Medway with a sense of place. This could, for example, be through masterplan design, but might also include other measures, such as landscaping, public art and on-site interpretation.

Biodiversity

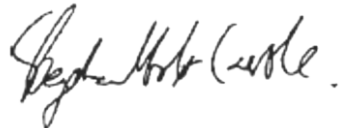
The County Council considers that the Environmental Statement provides a good understanding of species and habitats that are present within the site and highlights the species and habitat mitigation that will be required as part of the development.

The County Council would like further information to be submitted regarding the implementation of mitigation measures and details of where any off site mitigation will be located – this information should be provided within a detailed Mitigation Strategy. The County Council notes that no ecology conditions have been proposed as part of the LDO and recommends that there should be a condition requiring the submission of a detailed Mitigation Strategy.

The County Council is supportive of the proposal put forward by Medway Council for Innovation Park and the role that the development will have in boosting employment opportunities within Kent and Medway. The County Council will continue to work closely with Medway Council and Tonbridge and Malling Borough Council to help ensure the delivery of the Innovation Park.

If you require any further information or clarification on any matter in this letter, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Stephanie Holt-Castle'.

Stephanie Holt-Castle

Interim Director – Environment, Planning and Enforcement



Ms Anna Houghton
 Planning Officer (Strategic Planning)
 Maidstone Borough Council
 King Street
 Maidstone
 Kent
 ME15 6JQ

Growth, Environment & Transport

Room 1.62
 Sessions House
 Maidstone
 Kent
 ME14 1XQ

Phone: 03000 415981
 Ask for: Barbara Cooper
 Email: Barbara.Cooper@kent.gov.uk

BY EMAIL ONLY

25 July 2019

Dear Ms Houghton

Re: Marden Neighbourhood Plan - Regulation 16

Thank you for consulting Kent County Council (KCC) on the Marden Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided comments structured under the chapter headings and policies used within the Neighbourhood Plan.

Natural Environment

Policy NE1 – Surface Water Management

The Neighbourhood Plan sets out that surface water features create new habitat, encourage biodiversity and amenity uses. This is in accordance with Maidstone Borough Council green and blue infrastructure aspirations and is further supported by NPPF paragraph 165, which requires that major development should incorporate sustainable drainage systems and, where possible, provide multifunctional benefits. The County Council welcomes the inclusion of a policy that addresses the need to encourage drainage schemes within new developments (which includes the provision of open channel surface water drainage and the requirement for schemes to incorporate and connect to existing ditches and streams) as an integral part of the local environment.

KCC recommends that the drainage policies within Chapter 5 should refer to the County Council's Drainage and Planning Policy Statement¹. It is also recommended that the natural

¹ https://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf

drainage flow paths are maintained and that the incorporation of any existing natural drainage features within future developments is encouraged.

Policy NE4 – Biodiversity and Habitats

The County Council supports the inclusion of a policy that requires developments to meet the aims of the Kent Biodiversity Strategy, whilst contributing to the Biodiversity Opportunity Areas and implementing Net Gain. KCC recommends that the policy reconsiders the use of the phrasing “where possible” and “should”, replacing these words with more proactive language, to ensure that the aims of the policy are met by development.

The County Council recommends that the policy refers to the need for ecological surveys. Such surveys ensure that there is a clear understanding of the ecological interest of the development site and the areas of the site which must be retained, as well as providing details of mitigation, net gain proposals and what enhancements are required on the site.

Built Environment

Policy BE2 – Residential Amenity

Policy BE2 currently requires the provision of through routes for vehicles. The County Council recommends that the Parish Council reviews this policy to ensure that development is not prevented from being arranged in a cul-de-sac arrangement where appropriate (in line with the Kent Design Guide² (section 2.3), which does not preclude a ‘minor access way’ from being designed as a cul-de-sac).

The County Council does nevertheless support the policy requirement for new developments to include through routes for pedestrians and cyclists, and it is advised that consideration should be given to Secured by Design principles.

KCC recommends that the Neighbourhood Plan should make reference to the County Council’s Rights of Way Improvement Plan (ROWIP)³. This will enable successful partnership working to continue, delivering improvements to Public Rights of Way (PRoW) in Marden and the surrounding area. The joint delivery of this strategic plan could ensure significant benefits for the local community, including access to additional funding opportunities.

Amenities

Community Facilities

It is crucial that a community is supported by adequate community facilities, as they can help foster a local sense of community, whilst reducing loneliness and isolation. KCC is therefore

² <https://www.kent.gov.uk/about-the-council/strategies-and-policies/regeneration-policies/kent-design-guide>

³ https://www.kent.gov.uk/_data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf

supportive, in principle, of the references made within the document to community facilities as an integral part of development.

Policy A2 - Open Space

Research for the ROWIP identified a correlation between deprivation, access to greenspace and good health (with people in less deprived areas having good access to green space and better health). Local populations with a relatively high level of physical inactivity were found to have limited access to natural greenspace that is 'close to home'.

Studies have also shown that green spaces provide considerable health and well-being benefits for the public. Appropriate steps should be put in place to protect the sites and manage access, to ensure that their qualities do not deteriorate as they face pressures from new developments. The Neighbourhood Plan should aim to increase the provision of accessible green and open spaces and improve opportunities to access this resource in relatively deprived areas.

It is important that open spaces can be accessed via sustainable modes of transport. To encourage active travel, the wording of this policy should be strengthened to ensure that visitors can walk or cycle to open spaces. Alternatively, good public transport links with open spaces should be made available, so that the public is not dependent on private vehicle use in visiting these sites.

The County Council considers that it is important that development takes account of Sport England guidance⁴. KCC recommends that the Parish Council reviews the guidance with consideration of the Sport England's Facilities Planning Model, as well as Active Design Guidance. Sport England's strategies for sport are very much focussed on tackling inactivity and supporting/encouraging under-represented groups to be active. The national Active Lives Survey indicates that approximately 25% of people nationally (24% now in Kent - 26% two years ago) are inactive and this is having knock on effects on physical and mental health, as well as individual and social/community development. Development should consider a mix of formal and informal areas/spaces (indoor and out), where people can be active. This can include walking and cycling routes and open spaces.

Education

KCC is supportive of the objective of policy A3 on primary education. In respect of the action for "KCC to ensure that existing S106/future CIL developer contributions are used proportionately to support the provision of secondary school education for Marden children", the County Council would note that it has a legal duty to ensure a place for every child, and any developer contributions are supported by a legal framework governing their use.

⁴ <https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>
<https://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/facilities-planning-model/>
<https://www.sportengland.org/facilities-planning/active-design/>

Infrastructure

The County Council is responsible for minerals and waste safeguarding in Kent, to ensure that mineral resources are not needlessly sterilised by other forms of development and that the continued lawful operation of permitted waste management capacity of the county is not compromised by new development.

Policy CSM5 of the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP) sets out Mineral Safeguarding Areas (MSA) where economically important minerals exist within Kent. The Marden Parish area incorporates three minerals of economic importance, which are coincident with the Maidstone MSA. These safeguarded minerals are:

- Sub - Alluvial River Terrace Deposits
- River Terrace Deposits
- Limestone - Pauldina Limestone, Weald Clay Formation

The County Council notes that the Marden Neighbourhood Development Plan makes reference to mineral safeguarding, though it does not identify the safeguarded minerals that are present or the policy provisions within the adopted KMWLP to ensure their safeguarding. The adopted KMWLP policies specifically relating to land-won mineral safeguarding are Policies CSM5 “Landwon Mineral Safeguarding” and DM7 “Safeguarding Mineral Resources”. Therefore, any development which is within the MSA and outside the identified urban boundaries/village confines that has the potential to sterilise economic minerals will be required to be assessed against these policy provisions. The mineral safeguarding constraints need to be recognised in the Neighbourhood Plan to ensure that a full understanding of the wider planning constraints for the Neighbourhood Plan area is reflected. This will ensure it is compliant with the NPPF and the relevant policies set out in the adopted KMWLP.

It should also be noted that all waste management facilities are safeguarded and any proposed development within 250m of the safeguarded facilities should take into account Policy CSW16 “Safeguarding of Existing Waste Management Facilities” and the potential safeguarding exemption criteria, as set out in Policy DM8.

The County Council would like to refer the Parish Council to further guidance on minerals safeguarding and minerals assessments⁵. KCC would be happy to provide the Parish Council with any further information as may be required and can be contacted on 03000 422370 or mwlp@kent.gov.uk.

Transport

Any park and ride would need to operate as a frequent and direct service, with minimal calling points in order to minimise the journey time. It is uncertain whether the ‘dual-purpose’ form of park and ride being described could provide a sufficiently attractive or viable service.

⁵ https://www.kent.gov.uk/data/assets/pdf_file/0019/69310/Supplementary-Planning-Documents-SPD-on-Minerals-and-Waste-Safeguarding.pdf

Policy In2 – Sustainable Travel

The Neighbourhood Plan does not include a policy on parking. KCC recommends that this is given consideration, given the concerns expressed throughout the Plan around on-street parking pressures and the need to ensure these are not exacerbated by new development. The absence of a parking policy could result in a lack of opportunity to secure the provision of new cycle parking facilities, which are important in supporting the aims of Policy In2 regarding sustainable travel.

From a PRow perspective, KCC is generally supportive of this policy, as it aims to ensure that new developments provide opportunities for walking and cycling, enabling active lifestyles. However, it is requested that additional text is inserted into the policy, stipulating that applicants for new developments engage with the KCC PRow and Access Service at the earliest opportunity. This would allow the County Council to review proposals for access improvements and consider appropriate developer contributions for PRow network enhancements. This could ensure there are sustainable transport choices available that provide realistic alternatives to short distance car journeys.

The PRow network is a valuable component of the movement network, providing significant opportunities for walking and cycling across the region. KCC recommends there should be a requirement for planning applications to show recorded PRow on their plans. Where PRow would be directly affected by development proposals, plans should clarify intentions for accommodating, diverting or enhancing paths.

KCC is supportive of the statement that sustainable travel, including non-vehicular travel, will help improve the air quality and physical activity levels of the population of Marden.

Policy In3 – Additional Traffic

Rural lanes provide useful connections for Non-Motorised Users (NMUs) travelling between off-road PRow. The potential for additional vehicle traffic along these country lanes could introduce safety concerns for NMUs and potentially deter public use of the PRow network. KCC therefore recommends that this policy should be strengthened and suggests that developers should submit traffic impact studies in support of their applications. Where negative impacts on NMUs are identified, developers should provide or contribute towards appropriate mitigation measures.

Policy In6 – Housing for Older People

The County Council suggests that this policy should also include reference to less mobile people, and consideration of accessible and adaptable wheelchair housing in accordance with the current social care need.

The Future

The County Council notes that the Neighbourhood Plan is supportive of the links to the countryside and the surrounding open space, however there is no reference to the

enhancement of the PRoW to serve these connections within the consideration of developer contributions. The County Council considers that the increased population as a result of local development will add to the pressure and importance of the surrounding PRoW network – it is recommended therefore that general wording is included within the Plan to secure funding to maintain these PRoW links. New developments provide opportunity through contributions to upgrade existing PRoW routes, or create new paths that could address existing network fragmentation issues. The County Council would welcome engagement with the Parish Council to consider the local aspirations for access improvements, the delivery of these projects and potential funding for these works.

KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely



Barbara Cooper

Corporate Director – Growth, Environment and Transport