

**PLANNING APPLICATIONS COMMITTEE**

**Wednesday, 9th December, 2020**

**10.00 am**

**Online**







## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Wednesday, 9th December, 2020, at 10.00  
am  
Online**

Ask for: **Andrew Tait**

Telephone: **03000 416749**

#### **Membership (13)**

- Conservative (10): Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour, Mrs R Binks, Mr A Booth, Mr A H T Bowles, Mr P C Cooper, Mr H Rayner, Mr C Simkins and Mr J Wright
- Liberal Democrat (1): Mr I S Chittenden
- Labour (1) Mr J Burden
- Independents (1) Mr P M Harman

In response to COVID-19, the Government has legislated to permit remote attendance by Elected Members at formal meetings. This is conditional on other Elected Members and the public being able to hear those participating in the meeting. This meeting of the Cabinet will be streamed live and can be watched via the Media link on the Webpage for this meeting.

Representations by members of the public will only be accepted in writing. The transcript of representations that would normally be made in person will be provided to the Clerk by 12 Noon two days ahead of the meeting and will be read out by the Clerk of the meeting at the appropriate point in the meeting. The maximum length of time allotted to each written representation will be the 5 minutes that it takes the Clerk to read it out.

#### **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 - 4 November 2020 (Pages 1 - 4)
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

1. General Matters

#### **C. MINERALS AND WASTE APPLICATIONS**

1. Application SW/20/500281 (KCC/SW/0008/2020 - Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B, Ridham Dock Estate, Iwade; Fortis IBA Ltd (Pages 5 - 56)

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

#### **E. MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications (Pages 57 - 62)
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. Former Broke Hill Golf Course, Stonehouse Park, Sevenoaks Road, Halstead (Pages 63 - 70)
2. Response to the Planning for the Future White Paper (Pages 71 - 108)
3. Otham Parish Neighbourhood Plan 2020 to 2035 - Regulation 16 Consultation (Pages 109 - 114)
4. Boughton Aluph and Eastwell Parishes' Neighbourhood 2013 to 2030 - Regulation 16 Consultation (Pages 115 - 122)

#### **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, 1 December 2020

*(Please note that the draft conditions and background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report.)*

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**KENT COUNTY COUNCIL**

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**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Online on Wednesday, 4 November 2020.

PRESENT: Mr R A Marsh (Chairman), Mr R A Pascoe (Vice-Chairman), Mr M A C Balfour, Mrs R Binks, Mr A H T Bowles, Mr J Burden, Mr I S Chittenden, Mr P M Harman, Mr H Rayner, Mr C Simkins and Mr J Wright

ALSO PRESENT: Mr M Whiting

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications), Mr J Wooldridge (Principal Planning Officer - Mineral Developments), Mr J Bickle (Senior Planning Officer), Mrs S Bengel (Transport and Development Manager) and Mr A Tait (Democratic Services Officer)

**UNRESTRICTED ITEMS****45. Minutes - 16 September 2020**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 16 September 2020 are correctly recorded and that they be signed by the Chairman.

**46. Site Meetings and Other Meetings**

*(Item A4)*

The Committee discussed the possibility of visiting the Covers Farm, Westerham site. The Head of Planning Applications advised that the applicants were preparing additional information. A site visit would therefore be premature at this point. The Clerk to the Committee advised that the most recent Covid-19 restrictions provided by the Government would not permit a site visit to take place as such an event was not within its guidelines. Furthermore, KCC's own policy for staff was that officers should not risk physical contact unless it was absolutely essential. This meant that any site visit would be limited to Members only, which KCC Standards Note 4 strongly advised against.

**47. General Matters**

*(Item B1)*

(1) The Chairman drew the Committee's attention to a Virtual meeting involving the Cabinet Member for Environment, two Local Members and representatives from Oare Parish Council and *Uproar*, a local action group to discuss local concerns over the enforcement of planning conditions at the waste management site at Oare Creek, Faversham (Minute 19/31). He asked for confirmation that the determination of planning applications was exclusively the remit of the Committee.

(2) The Clerk to the Committee confirmed that the Committee had the exclusive remit to determine planning applications on behalf of the County Council.

(3) The Head of Planning Applications informed the Committee that the Virtual meeting which she had attended had focussed exclusively on planning enforcement matters. It had not sought to change the planning permission or to discuss matters that fell within the Committee's remit. She added that, partly as a result of the concerns raised, the County Council was looking to recruit additional resources for its enforcement function, which would include this particular site.

(4) The Head of Planning Applications then informed the Committee that KCC's response to the Consultation on the Government Planning White Paper had included many of the points made during the Committee's training session on this subject. The response had also stressed the knowledge and experience on planning matters that Planning Committee Members possessed and that this should not be lost in the reforms. The consultation response would be reported formally to the next meeting of the Committee.

**48. Application SW/20/500833 (KCC/SW/0254/2019) - Continued operation of Ridham Biomass Plant with minor variations to allow: export of shredded wood waste; a 4,600 tpa increase in throughput; and an increase in stockpile heights at MVV Environment Ridham, Ridham Dock, Iwade; MVV Environmental Ridham Ltd**  
*(Item C1)*

(1) Mr M Whiting was present for this item as the Local Member and addressed the Committee.

(2) The Head of Planning Applications recommended a revision to the conditions attached to the draft permission. This was that records of the dates and times of HGV movements and their loads were to be maintained by the operator and made available to the County Planning Authority on request. She also recommended that the Informative be strengthened so that the applicant was strongly encouraged to make every endeavour to use the private road to the Sheppey Way and the A249 junction. Both of these recommendations were accepted by the Committee.

(3) On being put to the vote, the recommendations of the Head of Planning Applications were unanimously agreed as amended in (2) above.

(4) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions covering the maximum throughput of fuel material through the Biomass Plant not exceeding 181,800 tonnes per annum; stockpile heights not exceeding 7 metres in height during an outage or on Bank Holiday weekends or 5 metres in height at all other times, with the amount of material stored being reduced to 5m or less over the subsequent 7 working days; a maximum limit on exports of wood during an outage of 2,500 tonnes per week until the Facility is operational; no HGV movements associated with the export of wood occurring during the network peak period (0730 to 0930 and 1630 to 1830 daily); records of the date and times of HGV movements and their loads being maintained by the operator and made available to the County Planning Authority on request; the

Traffic Management Plan being updated and reviewed annually to ensure it continues to be effective; and the re-imposition of conditions previously imposed on Permissions SW/10/774 and SW/12/1132 (updated where relevant to reflect current practices and any details previously approved pursuant to the permissions); and

- (b) the applicant be strongly encouraged by Informative to make every endeavour to use the private road to the Sheppey Way and the A249 junction adjacent to the Sheppey Bridge as a primary point of access rather than as a secondary route.

#### **49. Matters dealt with under delegated powers**

*(Item E1)*

(1) Mr J Burden informed the Committee that he was the Leader of Gravesham BC. He had, however not participated in any discussion of the Borough Council's consultation response to the applications involving the schools in his Borough reported in Item E2.

(2) 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).

#### **50. KCC Response to Consultations**

*(Item F1)*

(1) In response to a point made by Mr Rayner, the Head of Planning Applications informed the Committee that the Inspectors for the Examination in Public of the Tonbridge and Malling Local Plan had written to the Borough Council indicating that they had serious concerns in relation to how the Borough Council had satisfied the Plan's legal compliance test. The Inspectors would provide a more detailed letter in due course. Once this had been received, the County Planning Authority would be in a position to consider how much weight should be attributed to the emerging Local Plan in decision making.

(2) RESOLVED to note Kent County Council's responses to the following consultations:-

- (a) Kent Downs Area of Outstanding Natural Beauty (AONB) Draft Management Plan;
- (b) Canterbury City Council Issues Consultation Regulation 18;
- (c) Boughton Monchelsea Neighbourhood Plan Regulation 16; and

(d) Egerton Neighbourhood Plan Regulation 14.

SECTION C  
MINERALS AND WASTE MANAGEMENT

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.

## Item C1

### **Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)**

A report by Head of Planning Applications Group to Planning Applications Committee on 9 December 2020.

Application by Fortis IBA Ltd for construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B, Ridham Dock Estate, Iwade, Sittingbourne, Kent, ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)

Recommendation: Permission be granted subject to conditions.

Local Member: Mike Whiting

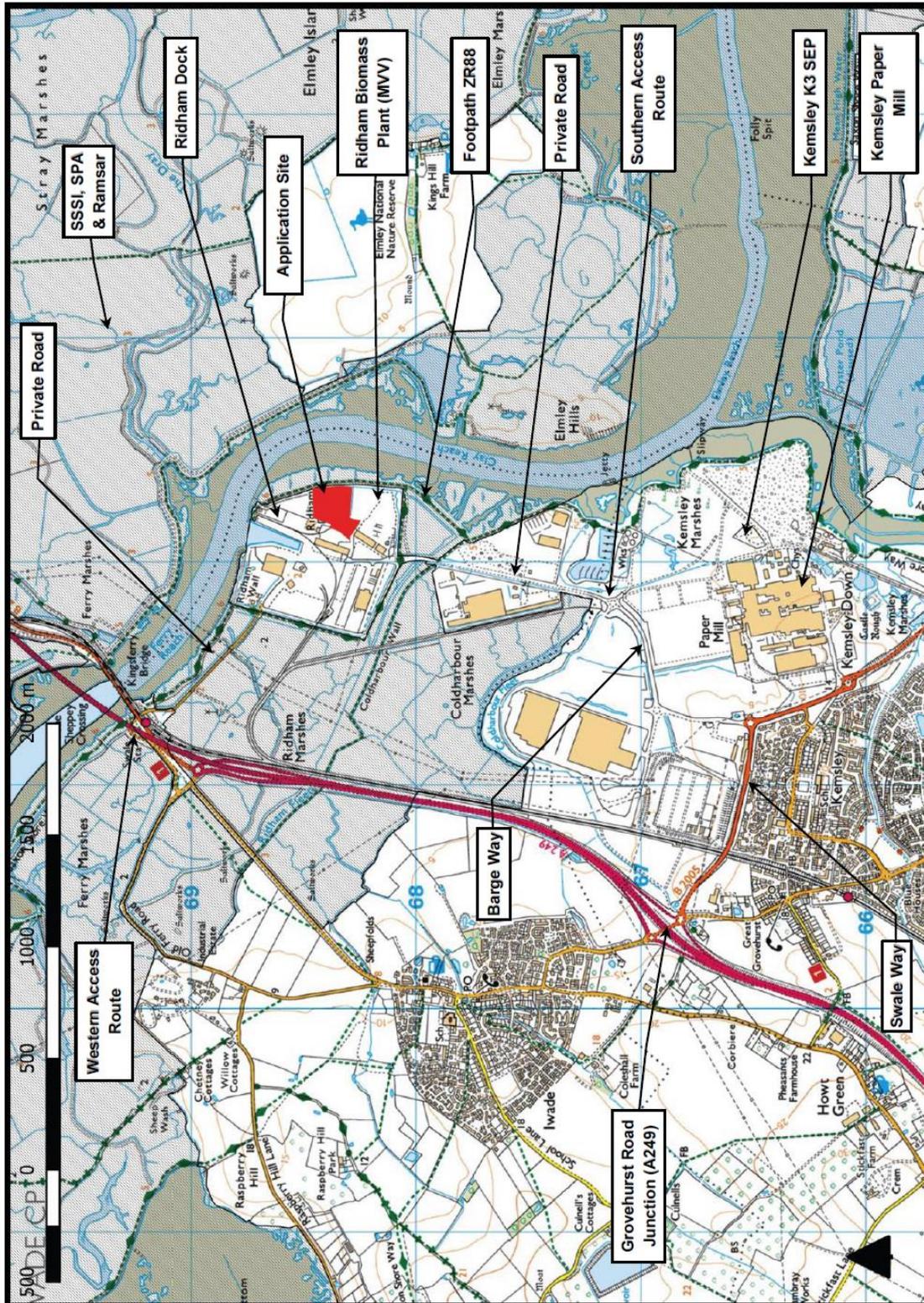
Unrestricted

#### **Site description**

1. The application site occupies 3.1 hectares (ha) of vacant, previously developed (brownfield) industrial land on the eastern boundary of Ridham Docks. The docks and associated commercial and industrial development covers an area of approximately 37ha, about 650 metres (m) to the south-east of the Kingsferry Bridge and Sheppey Crossing. The complex lies approximately 4.5 kilometres (km) north of Sittingbourne and about 5km south of Sheerness. Iwade lies approximately 2.1km to the west and Queenborough about 3.3km to the north.
2. The area of the docks and surroundings is predominantly flat and low-lying at approximately 2 to 3m Above Ordnance Datum (AOD). Immediately to the north and east of the application site are the Ridham Sea Wall (flood defences), Swale channel and associated areas of inter-tidal mudflat. To the east (beyond the Swale) is the Isle of Sheppey and Elmley National Nature Reserve, a wide expanse of grazing marsh, divided by ditches and frequent shallow surface flooding, that lies at or below sea level. To the west of the docks is Ridham Marshes, a flat low-lying area of marshland crossed by drainage ditches, electricity pylons and disused railway sidings.
3. Vehicular access to the docks is possible via two routes: (i) a private access road which crosses Ridham Marshes along its northern boundary to Old Ferry Road, which connects with the B2231 and A249 approximately 750 metres to the west (the "Western Access Route"); and (ii) a 1.1km private road which connects the southern boundary of the docks with Barge Way, which in turn connects via the B2005 (Swale Way) with the A249 at the Grovehurst Road roundabout about 2.3km to the southwest of the site (the "Southern Access Route").

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Site Location Plan (showing the proposed IBA Recycling Facility & key local features)



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4. Swale Railway Station lies adjacent and to the south of the Kingsferry Bridge, approximately 1.1km to the west of the site. To the south of the docks is Coldharbour Wall, beyond which lies Coldharbour Marshes and areas of significant commercial and industrial employment development including Knauf plasterboard, a Morrisons distribution centre and the DS Smith Paper Mill.
5. The application site is relatively flat, between 2.5 and 3.5m AOD, with a slight gradient falling from north to south. The application site and adjoining land to the north is in the process of being remediated to remove contamination associated with former uses. This involved the removal of former foundations and structures and the formation of made ground. The southern and eastern boundaries of the site are bordered by open ditches which connect to the Ridham Fleet to the south. Adjoining land uses include berthing facilities, wharfage, aggregate handling, cement storage, biomass energy recovery, open storage, lorry parking, concrete batching and incinerator bottom ash recycling. The MVV Environment Ridham Biomass Plant lies immediately to the south.
6. The application site lies within the settlement boundary identified in the Swale Borough Local Plan (2017) and just to the east and north of the land safeguarded at Ridham Dock as a wharf in the Kent Minerals and Waste Local Plan (2020). The Ridham Dock complex is surrounded by the Swale Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar Site. These designated areas lie (at their closest point) just to the east of the application site and the Ridham Sea Wall (maintained flood defences). The Swale Estuary is also designated as part of the Swale Estuary Marine Conservation Zone (MCZ). Public Footpath ZR88 lies on top of the Ridham Sea Wall (a raised embankment) and is part of the Saxon Shore Way. The application site is located within a Flood Zone 3a with a "High Probability" of flooding from the sea, although it benefits from the flood defences maintained by the Environment Agency. The Ridham Dock complex is also surrounded by a Coastal Change Management Area and an Area of High Landscape Value identified in the Swale Borough Local Plan.

**Planning History and Background**

7. Ridham Dock has been in operation since 1922 and was originally built to serve the nearby Kemsley Paper Mill. The dock has a long planning history and in more recent times has become an important bulk cargo handling site serving markets in north Kent.
8. The application site was part of the former European Metals Recycling (EMR) site used for metal recycling, steel slag crushing and processing until 2016. It is understood that these previous uses generated up to 100 HGV movements per day (50 in / 50 out). Planning permission was granted by Swale Borough Council (BC) for works to remediate previous contamination and restore and landscape the entire site to a safe condition prior to its use by a new industrial occupier in March 2019 (SW/18/505828). It subsequently approved details relating to that permission and the works have now been completed. Swale BC also granted planning permission in April 2019 for the storage and distribution of cement (in a building) in the northern part of the site (SW/18/502717). Since that permission lies within the application site it could not be implemented if the proposed IBA recycling facility were to proceed.

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9. KCC granted planning permission (SW/10/444) for the Kemsley (K3) Sustainable Energy Plant (SEP) in March 2012. It was proposed that the K3 SEP would receive between 500,000 and 550,000 tonnes per annum (tpa) of pre-treated waste comprising Solid Recovered Fuel (SRF) Waste, Commercial and Industrial (C&I) Waste and pre-treated Municipal Solid Waste (MSW). The heat generated from the combustion of that waste using moving grate technology would create high pressure steam which would drive a steam turbine and in turn a generator to produce electricity which would be exported to the grid (up to 49.9MW). The resulting low-pressure steam would be fed to the adjacent Kemsley Paper Mill, for use within the paper production process. The permission included provision for an on-site bottom ash handling facility. It was initially estimated that the K3 SEP would produce about 138,000tpa of IBA.
10. Planning permission (SW/16/507687) was subsequently granted for an Incinerator Bottom Ash (IBA) Recycling Facility on land adjacent to the K3 SEP in February 2017 to replace the bottom ash handling facility included in that development. Planning permission SW/16/507687 has since lapsed.
11. Another planning permission (SW/12/1001) was granted in November 2012 for an improved access road to serve the K3 SEP. This was subsequently amended by planning permission (SW/13/1257) in February 2014 and subject to minor amendments in December 2018.
12. Planning permission SW/10/444 has been subject to a number of amendments addressed by way of new planning permissions and approvals pursuant to those permissions. The most recent planning permission (SW/19/501345) was granted on 14 June 2019. None of these approvals and more recent planning permissions fundamentally altered the nature of the K3 SEP permitted in 2012 although they did result in (amongst other things) the facility being able to receive waste 24 hours per day / 7 days a week and give rise to up to 348 HGV movements per day (excluding any HGV movements between the facility and the railway depot at Ridham Docks which was intended to be refurbished under planning permission SW/12/167 granted in May 2012 but which has since also lapsed).
13. More recently, WTI / EFW Holdings Ltd (a subsidiary of Wheelabrator Technologies Inc.) submitted a Development Consent Order (DCO) application to the Planning Inspectorate for two waste to energy projects at the Kemsley site. The first would allow the K3 SEP to process an additional 107,000tpa of post-recycled waste and allow it to generate up to 75MW (the K3 SEP expansion). The second is for a new waste-to-energy facility, known as Wheelabrator Kemsley North (WKN), which would process up to 390,000tpa of post-recycled waste, generate up to 42MW. The examination on these applications closed on 19 August 2020 and the Planning Inspectorate submitted its recommendation to the Secretary of State on 19 November 2020. He must now make a decision by 19 February 2021. Fortis IBA Ltd (the current applicant) states that it expects the K3 SEP expansion and WKN to give rise to 97,500tpa of IBA. It should also be noted that DS Smith Paper Ltd (which operates Kemsley Paper Mill) secured a Development Consent Order (DCO) for the construction and operation of a gas fired Combined Heat and Power (CHP) generating station with a gross electrical generating capacity of up to 73MW and a 2 steam generating capacity of 105MWth situated on land within the boundary of the Kemsley

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Paper Mill known as the K4 CHP station in July 2019. However, this is not directly relevant to the proposed development since its fuel source (gas) is piped in and it would not give rise to the production of IBA.

14. The applicant obtained pre-application advice on the proposed development from KCC in March 2019 (KCC/PRE/SW/0011/2019). The advice indicated that the proposed development was capable of being supported in this location subject to the consideration of environmental impacts (including those arising from site operations and HGV movements). The advice also provided guidance on the information required to accompany a planning application and particular issues that would need to be addressed. A Screening Opinion which confirmed that the proposed development would need to be subject to Environmental Impact Assessment (EIA) was issued by KCC in May 2019 (KCC/SCR/SW/0083/2019).

**The Proposal**

15. The application proposes the construction and operation of an Incinerator Bottom Ash (IBA) recycling facility.
16. The IBA recycling facility would receive and process up to 400,000tpa of IBA. The IBA would be processed to recover metals which would be exported to specialist facilities for recycling and then cleaned of contaminants and standardised to produce a secondary / recycled aggregate known as Incinerator Bottom Ash Aggregate (IBAA) which can be used in a number of structural applications in place of primary aggregates. The applicant states that the processing of 400,000tpa of IBA would result in the production of about 360,000tpa of IBAA and metals.
17. The applicant states that IBA would be brought to the site by HGV. Initially, 137,500tpa of IBA would be from the consented K3 SEP (since it has been selected to provide for the management of this waste). It states that it expects 165,000tpa of IBA to be delivered from an EfW facility which serves some of the London Boroughs (subject to contract) and that the remaining IBA would come from the WKN / K3 expansion currently subject to the DCO application (which it expects to produce 97,500tpa of IBA).

Construction / Physical Development

18. The proposed development would involve the construction of an impermeable concrete hardstanding and sealed drainage system across the entire site. This would be complemented by the installation of modular, static processing plant housed within clad, steel portal-framed buildings. Vehicular and pedestrian access will be achieved via a ramped access road on the western boundary, with a flood defence / retaining wall enclosing the perimeter of the site. Ancillary buildings would comprise office and welfare accommodation for staff / employees in the form of portable cabins, together with a weighbridge for determining weights and measures. The majority of the operational area would be occupied by stockpiles of unprocessed (IBA) and processed (IBAA) material.

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Hardstanding

19. The facility would operate on a purpose-built impermeable surface with sealed drainage. Due to ground conditions, stabilisation work would be required prior to works to form the sub-base and concrete slab. A process known as Deep Soil Mixing (DSM) is currently proposed to achieve sufficient ground stability to defend against deformation of the slab under the weight of the stockpiled IBA / IBAA and the IBA Plant. DSM involves the use of an auger to bore down to underlying stable strata followed by mixing of the in-situ material (alluvium) with a stiffening agent to create a column. These columns would be up to 14m deep to ensure they provide a solid foundation and load bearing capacity for stockpiles and fixed plant. The uppermost 2m of ground would also be agitated and stiffened to provide a suitable surface on which the concrete pad would be laid to provide an impermeable working surface. Some minor cut and fill would be required following completion of the land remediation work currently taking place on site to achieve proposed levels. The hardstanding would comprise a 200mm reinforced concrete slab over 200mm of Type 1 fill and a geotextile membrane. The hardstanding would have falls of 1:100 to 1:45 towards a sump located on the eastern boundary. The perimeter elevation of the pad surface would vary between 4.4 and 2.3m AOD. The hardstanding would be enclosed by a 2.1m high concrete wall (except for a short section adjacent the car park). The combination of engineered levels and wall would provide a minimum perimeter boundary level of 3.9m AOD. The perimeter wall would primarily function as a flood defence, but would also act as a retaining feature for surface water runoff and stockpiled material. Where adjacent land is lower lying, the wall would be secured and underlain by a terrace structure, constructed from engineered material and geotextile.

Processing Plant

20. The processing plant would consist of a feed hopper and an arrangement of modular plant comprising conveyors, trommel, magnets, eddy current separators<sup>1</sup> and screens which would process the IBA into saleable aggregates and recover metals. Processing would mainly take place within clad, steel portal-framed buildings, except for external conveyors transferring material between housings. The IBA processing plant would occupy a footprint of 85m x 25m (2,125m<sup>2</sup>) and the processing house building would be 48.4m long, 14.8m wide (716m<sup>2</sup>) and 18.6m high. Structures separate to the processing building would comprise individual covered / clad items of plant and machinery. Where conveyors transport material externally between the structures they would be covered to prevent wind-blown dust arising. Cladding for the buildings would be light grey in colour (RAL 7047 or similar) and single skin.

Access

21. Access to the site would be from within the Ridham Dock estate via new a ramped haul road on the western boundary designed to provide an elevated gateway of more than 3.9m AOD to defend against calculated flood risk for the operational life of the facility. The access would allow two HGV's to pass and be surrounded by Armco barrier on the western side and a concrete retaining wall / perimeter fence on the

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<sup>1</sup> The use of magnetic currents to separate different non-ferrous metals from one another (based on their different electromagnetic conductivities).

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eastern side. The access ramp would be surfaced with hot rolled asphalt. The ramp would also include a 1.8m wide pedestrian access way and a 12m wide gate would be provided at the top of the ramp.

Ancillary Buildings

22. Ancillary accommodation would comprise office and welfare accommodation for staff / employees in the form of portable cabins, together with two weighbridges for determining weights and measures. These buildings would be located in the south-western area of the site close to the access. The office and welfare accommodation would be two storeys in height and measure 3m wide x 24m long, providing 144m<sup>2</sup> of floor space. It is proposed that the details of these buildings be secured by condition if planning permission is granted.

Enclosure

23. In addition to the 2.1m high perimeter wall, a 3m high galvanised steel palisade security fence bolted down to the slab is proposed on the western boundary close to the access where the wall is not to be constructed.

The IBA Recycling Process

24. The IBA would be subject to hazard classification testing by the relevant EfW operator prior to arrival at the site in accordance with the Environmental Services Association (ESA) Protocol. The IBA would be tipped in the IBA reception area then stacked in windrows using a mobile excavator to await the results of the ESA testing. The IBA would be stored in this form for 6 to 8 weeks during which time oxidation, carbonation, hydration and hydrolysis reactions would occur (the maturation phase). Incoming IBA would have an elevated water content (about 22 to 24%) as a result of the quenching process at the EfW facilities and the reactions during the maturation phase would take up this water and reduce alkalinity (pH levels). The maturation process is exothermic<sup>2</sup> and would result in stockpiles heating up to about 70°C and cause steam to be produced on cold days. Only after the results of the ESA testing and formal third party confirmation that the IBA has been characterised correctly (i.e. it meets European Waste Catalogue (EWC) code 19 01 12 meaning that it is non-hazardous) may processing begin. If the IBA is deemed hazardous, it would be quarantined by site staff and then disposed of by the EfW operator.
25. IBA would be fed into a feed hopper with a loading shovel where a belt feeder would regulate the flow rate of material entering the plant. A rotating trommel would be angled to process the material as it progresses through the drum. Material smaller than 55mm would pass through the screens and continue to the aggregate processing plant while larger material would travel to the oversize station for re-sizing (crushing). The re-sized material would then re-join the smaller material. A primary and secondary over-band magnet would recover ferrous metals as they pass under it. The larger material would travel to a picking station for alternative recycling where an operator would recover mixed oversize metals. The material would be split into three sizes in a screen house: fine (0-6mm), medium (6-18mm) and large (18-55mm). The

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<sup>2</sup> Exothermic reactions are reactions or processes that release energy, usually in the form of heat or light.

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medium and large fractions would pass over eddy current separators to recover non-ferrous metals. The fine fraction would be further screened into three more fractions. The material would pass over a magnetic head drum which would recover the small ferrous metals then pass over eddy current separators to maximise the non-ferrous recovery within this fraction. All metals would be held in bays within the plant area ready for handling and export to specialist recycling facilities. The remaining different grades of material would then be blended back together to form a fully processed IBA Aggregate (IBAA).

#### Products and Markets

26. The metals would be separated into ferrous and non-ferrous stockpiles before being exported from site for onward processing at specialist metal recycling facilities. The IBAA would be exported for distribution in the local area as a secondary / recycled aggregate for use in construction projects. The applicant states that secondary and recycled aggregates already play a major role in meeting Kent's demand for aggregate (0.91Mt were sold in the County in 2017) and that the proposed development can further contribute to this thereby diverting the material from landfill and reducing the need for primary-won aggregates and associated environmental impacts. It envisages that the majority of IBAA produced at the proposed facility would be consumed within the Kent / Medway area, but that there is also the possibility of it being exported by barge to markets in East Anglia and along the River Thames. The applicant states that 50,000tpa of IBAA would be exported by barge to Ipswich over Ridham Dock.

#### Operating Hours

27. It is proposed that the processing of IBA would take place 24 hours a day / seven days a week and that HGVs be permitted to enter and leave the site at any time (subject to the limitations requested by Highways England and KCC Highways and Transportation referred to in paragraphs 43, 44 and 79 below) in order to receive and process IBA from EfW facilities which also operate on a 24/7 basis and be able to deliver IBAA and metals when roads are least congested.

#### Staff

28. The applicant states that three shifts would operate (i.e. between 06:00 and 14:00 hours, 14:00 and 22:00 hours and 22:00 and 06:00 hours), each employing about 6 staff. A total of 20 staff would be employed and 18 car parking spaces would be provided adjacent the office and welfare accommodation.

#### Access and Vehicle Movements

29. It was initially proposed that HGVs would access the A249 at the Grovehurst junction via the "Southern Access Route" (i.e. the private Ridham Dock southern access road, Barge Way and Swale Way). However, as a result of concerns raised by Highways England and KCC Highways and Transportation about the use of Grovehurst Junction this was amended and it is now proposed that HGVs would enter and leave the site via the "Western Access Route" (i.e. the private Ridham Dock access road which crosses Ridham Marshes along its northern boundary to Old Ferry Road, the B2231 and A249) until such time as improvements are made to the Grovehurst Junction with the A249.

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HGVs importing IBA from the K3 SEP (or the K3 SEP expansion and WKN) would use private estate roads and the Barge Way roundabout, avoiding the public highway. A wheel wash would be provided to clean the wheels and chassis of vehicles leaving the site.

30. The applicant states that the proposed development would generate up to 235 vehicle movements in a 24 hour period, of which 205 would be HGV movements. It states that this represents a net generation of 64 HGV movements (45 total vehicle movements) after those associated with the previous use of the site for car shredding (150 HGV movements) and those that would have been required for the K3 SEP IBA recycling facility which would now be diverted to the proposed IBA recycling facility (41 HGV movements) are deducted. The figure also excludes any HGV movements associated with transporting up to 50,000tpa of IBAA by barge to Ipswich over Ridham Dock since these would not leave the dock area.
31. The applicant states that in the absence of the proposed IBA recycling facility, IBA from the K3 SEP would need to be exported to another site for processing or disposal and that this would probably be by HGV via the strategic highway network using Barge Way, Swale Way and the A249 Grovehurst Junction. It points out that it is currently transporting all IBA being produced at the K3 SEP to its site in Andover (Hampshire) via the Grovehurst Junction and M2 Junction 5 giving rise to an average of 34 HGV movements per day (17 in / 17 out) with up to 6 loads of IBA (potentially up to 12 HGV movements) travelling through M2 Junction 5 in the morning peak period between 07:00 and 09:30 hours. It notes that these HGV movements are not subject to any restrictions on routeing or timing and states that if planning permission is granted for the proposed IBA recycling facility these movements would effectively be diverted to the new facility such that they are not really “new” movements on the highway network.

#### Drainage

32. Above ground water tanks would be installed for the storage / management of surface water run-off. Rain falling on the site would be collected via a sump on the eastern boundary and pumped to storage tanks for use in dust suppression and IBA processing. Water tanks with a storage capacity of 4,000m<sup>3</sup> would be located in the south-eastern corner of the site. The applicant states that this system would mean no requirement for rain water or leachate to be disposed of off-site. However, in the unlikely event that extreme circumstances result in the storage tanks nearing capacity, a warning mechanism would alert site operatives such that leachate could be tankered off-site for disposal at an appropriate installation. Surface run-off from the ramped access roads outside of the operational area would be captured by slot drain into a sump and pumped back into the site to be managed with the other water. Foul water from staff accommodation and welfare is proposed to be treated by a sub-surface bio-digester facility (i.e. a package treatment plant) with treated discharge to outfall into the closed water recirculation system. It had initially been proposed to discharge to outfall via headwall into the ditch / watercourse on the southern boundary but this was amended to address concerns about potential impact on water voles.

#### Stockpiled Material

33. The majority of the operational area would be occupied by stockpiles of unprocessed

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(IBA) and processed (IBAA) material. The site would be able to store up to about 100,000t of IBA and 40,000 tonnes of IBAA. Materials stockpiled on site would be stored up to 10m high. Stockpiles would be sprayed with collected rainwater to expedite the maturation process and assist in preventing wind-blown dust.

External Lighting

34. A lighting design strategy has been submitted which seeks to ensure the safety of personnel in areas subject to road vehicle and mobile plant movements, provide adequate lighting for operational areas in which mobile plant would operate near to fixed plant and machinery and minimise light spill. Whilst lighting is proposed for the approach road, car park, weighbridge, loading / turning areas, material in feed hopper and metal storage bays, none is proposed in the IBA and IBAA stockpiling areas (where lighting on mobile plant would be used as necessary). It proposes lighting columns of no more than 8m in height such that the IBA and IBAA stockpiles (and adjoining buildings) would assist in providing a barrier to light spill. All lights would face towards the centre of the site and be angled downward to further reduce light spill. Lighting would only be used when necessary to ensure safe operations but is not proposed to be controlled by proximity sensors.

Environmental Permit

35. An Environmental Permit relating to the proposed development was issued by the Environment Agency on 29 October 2020. This would provide the required level of protection for the environment from the operation of the proposed facility and is designed to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It would also ensure that ambient air and water quality meet standards that guard against impacts to the environment and human health. It also includes an Environmental Management System (EMS) which would include a monitoring and reporting procedure to ensure compliance with environmental standards.

Further information

36. The application is accompanied by a Planning Statement, an Environmental Statement, a Habitat Regulations Assessment, a Flood Risk Assessment, a Transport Statement, a Contaminated Land Assessment, a Water Balance Assessment, various plans and engineering drawings, a letter from Brett Aggregates Ltd (stating that it would be looking for about 75,000 to 80,000tpa of IBAA to make up a shortfall in its Suffolk market which it could arrange to be transported by ship to Ipswich through its wharf at Ridham Dock) and a copy of KCC's pre-application advice. Further information was submitted by the applicant in April, May, June and July 2020 to address issues raised by consultees. This included a highways technical note, further information on the proposed drainage arrangements, a lighting design strategy, clarification on proposed IBA tonnages / sources, information on the ecological implications of using the Western Access Route and proposed highway mitigation measures.
37. Drawings illustrating the proposed development are included in Appendix 1.

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**Planning Policy Context**

38. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (May 2019), the associated National Planning Practice Guidance (NPPG) and the National Planning Policy for Waste (NPPW) (2014). These are material planning considerations. Other material planning considerations include Our Waste, Our Resources: A Strategy for England (2018) and the Waste Management Plan for England (2013).
39. **Kent Minerals and Waste Local Plan 2013-30 (as amended by the Early Partial Review) (September 2020)** – Policies CSM6 (Safeguarded Wharves and Rail Depots), CSM8 (Secondary and Recycled Aggregates), CSW1 (Sustainable Development), CSW2 (Waste Hierarchy), CSW4 (Strategy for Waste Management Capacity), CSW6 (Location of Built Waste Management Facilities), CSW7 (Waste Management for Non-hazardous Waste), CSW8 (Recovery Facilities for Non-hazardous Waste), CSW16 (Safeguarding of Existing Waste Management Facilities), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM13 (Transportation of Minerals and Waste), DM14 (Public Rights of Way), DM15 (Safeguarding of Transport Infrastructure), DM16 (Information Required in Support of an Application) and DM20 (Ancillary Development).
40. **Bearing Fruits 2031: The Swale Borough Local Plan (2017)** – Policies ST1 (Delivering sustainable development in Swale), ST3 (The Swale settlement strategy), CP1 (Building a strong, competitive economy), CP2 (Promoting sustainable transport), CP7 (Conserving and enhancing the natural environment), DM6 (Managing transport demand and impact), DM14 (General development criteria), DM21 (Water, flooding and drainage), DM22 (The Coast), DM23 (Coastal Change Management Area), DM24 (Conserving and enhancing valued landscapes) and DM28 (Biodiversity and geological conservation).

**Consultations**

41. **Swale Borough Council** – No objection subject to the imposition of conditions considered appropriate by KCC and statutory consultees.
42. **Iwade Parish Council** – Objects to the application for the following reasons:
- Impact of HGV movements on the already congested area of Sittingbourne, particularly on the A249 / M2;
  - Yet another facility of this type at Ridham Dock;
  - Impact of dust from unprocessed and processed ash;
  - Proximity to SSSI / Ramsar Site and protected species.

Acknowledges that most of the material for processing is proposed to be that generated by the Kemsley SEP and Wheelabrator Kemsley North such that much of the material would be imported via Swale Way and Barge Way and that some of the processed material (IBBA) would be exported by barge from Ridham Dock.

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43. **Highways England** – No objection subject to the following conditions relating to a construction management plan, a travel plan, restrictions to vehicular movements and monitoring:
1. Prior to the commencement of works (including any site clearance or preparation) associated with the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority (who shall consult the strategic and local highway authorities). Thereafter the development shall proceed in strict accordance with the Construction Management Plan unless agreed in writing by the local planning authority (who shall consult the strategic and local highway authorities). The CMP should provide evidence re number of trips / timing. *Reason: To ensure that construction of the development does not result in avoidable congestion on the A249 Trunk Road and M2 Junction 5, to ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*
  2. Prior to the commencement of development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the strategic and local highway authorities. The Travel Plan shall include objectives and targets, a programme of implementation (including measures to promote vehicle operations outside of the peak periods of 07:30 to 09:30 and 16:30 to 18:30) and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be implemented and adhered to throughout the life of the development. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*
  3. No vehicles delivering Incinerator Bottom Ash (IBA) to the site, other than vehicles delivering IBA to the site from the Kemsley SEP, shall enter or leave the site between the hours of 07:30 to 09:30 and 16:30 to 18:30 Monday to Friday inclusive. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*
  4. Other than a maximum of 6 vehicles during the hours of 07:00 to 09.30 Monday to Friday, no vehicles delivering Incinerator Bottom Ash Aggregate (IBAA) or metals from the site shall enter or leave the site between the hours of 07:30 to 09:30 and 16:30 to 18:30 Monday to Friday inclusive. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*
  5. Other than vehicles delivering IBA to the site from the Kemsley SEP, all vehicles entering and leaving the Site shall use the Western Access Road to the A249 as shown coloured blue on Plan number JNY10115 Figure 1 until the completion

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and opening to the public of a Housing Infrastructure Fund scheme at the A249 Grovehurst junction (or scheme to that effect that may be agreed in writing by the Local Planning Authority who shall consult Highways England). *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

6. No more than 310,000 tonnes of Incinerator Bottom Ash Aggregate and metals shall be exported by road from the site in any 12 month period. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*
7. No more than 165,500 tonnes of Incinerator Bottom Ash shall be imported to the Site by road from sources other than the Kemsley SEP in any 12 month period. *Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*
8. Records of the following, evidenced by data obtained from the weighbridge situated at the site shall be kept and made available to the Local Planning Authority upon request:
  - Times at which all vehicles enter and leave the site (with HGVs identified);
  - The route by which vehicles enter or leave the site (identifying reasons for not using Western Access);
  - The tonnage of material received at the site and the source from which the material originated;
  - The tonnage of Incinerator Bottom Ash Aggregate and metals exported from the site by road and by sea (and destination).

It has also requested the following informative: The Travel Plans / Framework Travel Plans must include sufficient detail regarding how they will be implemented, and their effectiveness monitored. They should contain details of the mechanisms to be used to review the Plans and introduce amended and / or new actions to achieve the stated intentions, if monitoring suggests their intentions are not being achieved.

It states that subject to the above, it is satisfied that the proposals would not materially affect the safety, reliability and / or operation of the strategic road network (SRN) in terms of the tests set out in DfT Circular 02/2013 (particularly paragraphs 9 & 10) and MHCLG NPPF2019 (particularly paragraphs 108 and 109), in this location and its vicinity (particularly the A249 and M2 Junction 5).

44. **KCC Highways and Transportation** – No objection subject to the same conditions requested by Highways England (in paragraph 43 above) with the addition of reference to the “local highway network” in the reasons for their inclusion.

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It advises that the imposition of the conditions would satisfactorily address any concerns regarding the current safety and congestion concerns along the local highway network, specifically the operation of the junctions of Barge Way / Swale Way and Grovehurst Road / Swale Way / A249. It has also advised that its initial request for a financial contribution of £127,536 towards the Grovehurst junction improvements cannot be justified as draft condition 3 (above) would remove the possibility of HGV movements through the Grovehurst junction at peak hours.

45. **Network Rail** – No objection.

46. **Environment Agency** – No objection subject to the conditions referred to below.

Flood risk: It is satisfied that the site benefits from existing flood defences, that the proposed development is regarded as “less vulnerable” in terms of the NPPF and that appropriate mitigation measures are outlined in the FRA. It advises that any works within 16m of the existing flood defences would require a Flood Risk Activity Permit prior to works commencing.

Groundwater and Contaminated Land: It notes that the site is currently being remediated under a separate planning permission and that the proposed activity would require an environmental permit. It advises that despite the contamination issues associated with previous industrial activities, it does not require its standard land contamination conditions in this case provided the existing remedial activities are formally signed off and validated under the extant planning permission. However, to safeguard the environment from general development activities it requests that the following conditions be imposed:

- If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. *Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.*
- Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy under the separate planning permission and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. *Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.*

It also provided advice in respect potential contamination and foul and surface water drainage. Its comments pre-dated the issuing of the Environmental Permit. They also

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pre-dated the signing off by Swale BC of details required pursuant to condition 3 of planning permission SW/18/505828 confirming that the site had been satisfactorily remediated. For the reasons set out in paragraph 120 of this report, the Swale BC approval removes the need for the second of the above conditions.

47. **Natural England** – No objection.

It advises that based on the submitted plans the proposed development would not have significant adverse impacts on designated sites, The Swale SSSI, SPA, Ramsar site and The Swale Estuary Marine Conservation Zone (MCZ).

Natural England has not formally commented on the proposed use of the Western Access Route or to KCC's Habitat Regulations Assessment (HRA). The implications of this are discussed in paragraphs 105, 106 and 130 of this report and addressed in the recommendation (paragraph 134).

48. **KCC Ecological Advice Service** – No objection subject to conditions to secure the following:

- The development taking place as proposed;
- Piling only being carried between the months of March to October (to avoid the core winter period of November to February), if piling is necessary at all;
- No off-site drainage of rain water and leachate from within the site; and
- Lighting being designed to avoid light spill onto adjoining areas (with any light spillage being below 0.5 Lux).

It has advised that it is satisfied that the proposed development would have no significant effect on designated sites (The Swale SSSI, SPA, Ramsar and MCZ) or protected species (e.g. water voles). In terms of the required HRA it has also advised that it is satisfied that the proposed development would not result in a likely significant effect on the European Sites either alone or in-combination with proposed plans or projects (including the proposed K3 SEP expansion / WKN at Kemsley which is the subject of a DCO application).

49. **KCC Sustainable Drainage (SUDS)** – No objection. It initially sought further information on the proposed drainage layout and rainfall / run-off data but was satisfied with the information submitted by the applicant in respect of these issues. It also noted that the Environment Agency had issued an Environmental Permit for the proposed development on 29 October 2020.

50. **KCC Air Quality Consultant** – No objection. It is satisfied that the proposed development can proceed without any significant environmental impacts in terms of air quality (including dust) and odour.

It advises that the applicant's Air Quality Assessment considers the potential impact of NO<sub>2</sub>, PM<sub>10</sub> and dust emissions from the IBA recycling facility on nearby sensitive receptors during the construction and operational phases. It states that the assessment of construction dust impacts has been undertaken in line with the Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from

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demolition and construction, concludes that the risk will be low and that the proposed mitigation measures would reduce the risk to not significant. It states that the assessment of operational dust impacts was undertaken in line with IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning and concludes that the effects resulting from negligible impacts are not significant. It also advises that the proposed development would give rise to a negligible impact on surrounding receptors as a result of increased emissions from Heavy-Duty Vehicle (HDV) (i.e. HGV) and Light-Duty Vehicle (LDV) (e.g. car) movements. It notes that odour has not been included in the assessment but advises that this is not normally an issue associated with IBA.

51. **KCC Noise Consultant** – No objection subject to a condition to secure the prior approval and implementation of a Construction Environmental Management Plan (CEMP).

It is satisfied that the applicant has provided a detailed noise assessment for all temporary and permanent aspects of the proposed IBAA production process and that no adverse noise impact is expected to occur at any nearby noise sensitive receptor by day or at night.

52. **KCC Landscape Consultant** – No objection subject to the development being implemented as proposed and conditions to:

- Protect any trees or shrubs to be retained on site;
- Ensure ground levels within the site do not exceed those proposed; and
- Allow no additional buildings, plant, machinery to be erected or installed unless approved beforehand by KCC.

It advises that the LVIA has been carried out in accordance with good practice and that the proposed development would result in only minimal impact upon visual amenity and local landscape character. It notes that whilst the area is flat with limited woodland and hedgerow cover, the site is located within an existing industrial complex which is visually dominated by large scale industrial buildings and other infrastructure. It states that although the proposed development would be extensively open to views from users of public footpath ZR88, it would have no impact upon open views across The Swale and Elmley Marshes to the east. It would also replace a former industrial use, be screened by intervening industrial buildings or would be seen as an indistinct component within the wider industrial setting from other locations. It advises that it supports the following:

- The location of all large structures (including the processing plant) towards the southern end of the site where they would sit close to (and associate with) the tall structures and mass of the Ridham Biomass Power Station;
- The use of light grey coloured cladding to match that on adjoining buildings and be less conspicuous against the open sky;
- The regular spraying of stockpiles, haul roads and hard standings with water during dry conditions to minimise dust emissions;
- The height of stockpiles being no higher than 10m so they are no taller than adjacent industrial buildings when viewed from the north and east and are

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effectively screened by intervening buildings in longer distance views from the south and west;

- The use of a 2m high wall around the site to screen lower level operations from local viewpoints;
- The use of directional downlighters on any flood lighting (ideally facing away from the areas to the north and east to minimise any light pollution over The Swale and the remote marshland to the north and east);
- The retention / avoidance of all-natural vegetation on or adjacent to the site boundaries;
- The avoidance / minimisation of any direct impact upon existing landscape features around the site including water filled ditches and scrub vegetation;
- Not introducing screen planting (trees and shrubs) onto the site to provide landscape and visual mitigation since extensive areas of tree planting are not characteristic of the local landscape; and
- Not introducing a high screening bund as it would be seen as an uncharacteristic feature within the flat marshland landscape and would have limited effect in screening the development.

53. **KCC Lighting Consultant** – No objection. It is satisfied that the proposed lighting philosophy and design are in accordance with relevant standards and good industry practice.
54. No responses have been received from **KCC Archaeology, KCC Public Rights of Way, the Marine Management Organisation (MMO)** and **Kent Wildlife Trust**.

### **Representations**

55. The application was publicised by site notice and newspaper advertisement and the occupiers of 22 nearby properties were notified in January 2020. Further site notices were erected and further newspaper advertisements published in February and July 2020.
56. No representations have been received in response to the above publicity.

### **Local Member**

57. County Council Member Mike Whiting (Swale West) was notified of the application in January 2020 and again in respect of the further environmental information in July 2020.
58. No comments have been received from Mr Whiting at the time of writing this report.

### **Discussion**

59. The application is being reported to KCC's Planning Applications Committee for determination as planning objections have been received from Iwade Parish Council.
60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless

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material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 39 and 40 above are of most relevance. Material planning considerations include the national planning and strategies referred to in paragraph 38.

61. The main issues that require consideration are as follows:

- Principle / Need;
- Traffic and transportation;
- Noise;
- Air quality (including dust / odour);
- Ecology (including Appropriate Assessment);
- Landscape and visual impact; and
- Water environment.

These issues are addressed in the following sections, together with other issues that have been raised or require consideration.

Principle / Need

62. Paragraphs 7 to 14 of the NPPF set out national policy on achieving sustainable development, including the three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways. The presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development. Paragraphs 182 and 183 require planning decisions to ensure new development can integrate with existing business and community facilities. Where there are significant adverse effects the applicant (or “agent of change”) should be required to provide suitable mitigation before the development has been completed. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
63. Paragraph 1 of the NPPW states that positive planning plays a pivotal role in delivering the country’s waste ambitions through: delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy; ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities; providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of in line with the proximity principle; and helping to secure the re-use, recovery or disposal of waste without endangering human health and without

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harming the environment, amongst other matters. Paragraphs 4 and 5 require waste planning authorities (WPAs) to consider new waste management facilities in appropriate locations, including industrial sites, the re-use of previously developed land and employment uses. Paragraph 7 states that in determining applications WPAs should (amongst other things) only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan and that in such cases they should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

64. The latest resources strategy for England (“Our Waste, Our Resources: A Strategy for England” (2018)) sets out how the stock of material resources should be preserved by minimising waste, promoting resource efficiency and moving towards a circular economy. It aspires for waste to be managed to ensure that environmental impacts are minimised and the resource value extracted is maximised. The strategy promotes waste infrastructure that can be used to extract value from items considered worthless by others and limits the burden on the environment. It also welcomes further market investment in residual waste treatment infrastructure and encourages developments that increase plant efficiency and minimise environmental impacts.
65. Policies CSW1 and CSW2 of the Kent Minerals and Waste Local Plan (Kent MWLP) reflect the national requirements on sustainable waste development, including driving waste management up the waste hierarchy. Policy CSW4 states that the strategy for waste management capacity in Kent is to provide sufficient waste management capacity to manage at least the equivalent of the waste arising in Kent plus some residual non-hazardous waste from London. The capacity requirements identified within Policy CSW4 are stated to be a minimum provision to encourage the development of additional recycling capacity. Policy CSW6 states that planning permission will be granted for proposals that result in waste being dealt with further up the waste hierarchy, where there is no adverse impact on the environment and communities and the site is within an existing industrial estate or other previously developed land, providing that such proposals: do not give rise to significant adverse impacts upon national and international designated sites local wildlife sites, Ancient Woodland, Air Quality Management Areas (AQMAs) and groundwater resources; are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road; avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b; avoid sites on or in proximity to land where alternative development exists / has planning permission or is identified in an adopted Local Plan for alternate uses that may prove to be incompatible with the proposed waste management uses on the site; and take account of the ability of the landscape to accommodate built development after mitigation. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste. It supports the provision of new waste management capacity (recognising the need to drive waste up the hierarchy) and does not seek to restrict the amount of new capacity for recycling or preparation of waste for reuse or recycling (provided it moves waste up the hierarchy and recovery of by-products and residues is maximised).
66. Policy CSM6 states that planning permission will not be granted for non-minerals development that may unacceptably adversely affect the operation of a safeguarded

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wharf and that Local Planning Authorities will consult the Minerals Planning Authority and take account of its views before making a decision on a planning application for non-mineral related development within 250m of a safeguarded wharf. Policy CSM8 states that proposals for additional capacity for secondary and recycled aggregate production will be permitted on industrial estates if they are well located in relation to the source of input materials or need for output materials, have good transport infrastructure links and accord with the other relevant policies in the development plan.

67. The application site lies within the Swale Borough Local Plan (Swale LP) settlement boundary where Policy ST3 states that development proposals that make use of previously developed land will be permitted. Policy DM22 states that planning permission will be granted for development proposals within the built up area boundaries near the coast if they contribute to the rejuvenation of the developed coast, particularly where enhancing existing industrial and maritime infrastructure and protect biodiversity, landscape, seascape and coastal processes.
68. The proposed recycling of IBA would represent a further stage of resource recovery, diverting waste from landfill and recycling it into a reusable product (IBAA). It would also enable metals that would otherwise be landfilled to be recovered, processed and recycled. The proposed development would therefore provide additional waste management capacity that maximises the recovery of by-products and moves the management of more waste up the waste hierarchy, contributing to sustainable waste management. This is consistent with the principles set out in the above policies and strategy.
69. The development would serve the consented K3 SEP which will produce about 137,500tpa of IBA when fully operational. The applicant states that it expects 165,000tpa of IBA to be delivered from an EfW facility which serves some of the London Boroughs (subject to contract). Assuming these quantities of IBA were accepted from those sources, the proposed facility would also be capable of accepting a significant quantity (97,500tpa) of the IBA that would be produced at the proposed extension to the K3 SEP and WKN and which are currently the subject of a DCO application. The facility may also be capable of serving other EfW facilities within or outside Kent.
70. Given that planning permission SW/16/507687 was not implemented and has lapsed, the K3 SEP no longer has its own IBA recycling facility. The only other IBA recycling facility in Kent is also at Ridham Dock. The Blue Phoenix (formerly Ballast Phoenix) IBA recycling facility lies just to the south west of the application site and east of the MVV Environment Ridham Biomass Plant. The Blue Phoenix facility is restricted to taking waste from the Allington EfW Facility (operated by Kent Enviropower Ltd for its parent company FCC Environment). Whilst there is no specific planning limit on the quantity of IBA that can be processed at the Blue Phoenix facility, it is understood that the Environmental Permit restricts the quantity of IBA it can accept to less than 75,000tpa. In making its most recent planning application (SW/17/505919), Ballast Phoenix indicated that the site would accept up to 60,000tpa of IBA. Kent Enviropower Ltd reported that 51,916.12 tonnes of IBA was produced at Allington in 2018.
71. Regardless of the outcome of the WKN / K3 SEP expansion, there is a clear need for additional IBA processing capacity if IBA from the consented K3 SEP is not to continue

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to be exported from the County (to Andover or elsewhere) or landfilled. In this way, the proposed IBA Recycling Facility would make an important contribution to achieving self-sufficiency in Kent. Whilst it is premature to have regard to the need for IBA recycling capacity from the WKN / K3 SEP expansion (and any decision in respect of that application is a matter for the Secretary of State), it is clear that the proposed IBA Recycling facility at Ridham Dock would be well placed to handle much of that waste if a DCO was granted. Whilst KCC has objected to the DCO application (primarily for waste policy and highways reasons), the recommendation on the current planning application set out in this report and any decision made on it in no way changes this and does not undermine the objection. If the WKN / K3 SEP expansion is rejected by the Secretary of State, the proposed IBA Recycling Facility would have to operate at a reduced maximum capacity of about 302,500tpa as a result of the restrictions proposed elsewhere in this report unless planning permission is obtained to import more than 165,000tpa of IBA by road from sources other than the Kemsley SEP or the material is imported via Ridham Dock (by water or rail).

72. Iwade Parish Council has objected to the proposed development on the grounds that it would result in another waste management facility at Ridham Dock. However, Swale Borough Council (BC) has raised no objection for locational or other reasons.
73. The proposed development would have no direct or indirect impact on the safeguarded wharves at Ridham Dock other than as a result of IBAA being exported from the docks and being on previously developed land within the settlement boundary would accord with the locational criteria referred to in the above policies. The proximity of the proposed IBA Recycling Facility to the K3 SEP would also enable waste to be recovered in one of the nearest appropriate installations which is consistent with the proximity principle.
74. Having regard to all of the above matters, I am satisfied that there is strong case for permitting additional IBA recycling capacity and that granting planning permission for what is proposed would be consistent with relevant planning policies subject to meeting other relevant criteria. The question of whether the proposed development fully accords with relevant planning policies is addressed in the following sections of this report.

Traffic and transportation

75. Paragraph 108 of the NPPF states that in assessing applications, it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity or congestion) or any highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria. These include the suitability of the road network and the extent to which access would require reliance on local roads.

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76. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that are well located in relation to Kent's Key Arterial Routes, avoiding proposals which would give rise to significant numbers of lorry movements through villages or on unacceptable stretches of road. Policy DM11 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from traffic. Policy DM13 states that waste development will be required to demonstrate that emissions associated with road transport movements are minimised as far as practicable and by preference being given to non-road modes of transport. Where development requires road transport, it states that proposals will be required to demonstrate that: (1) the proposed access arrangements are safe and appropriate to the scale and nature of movements associated with the proposed development such that the impact of traffic generated is not detrimental to road safety; and (2) the highway network is able to accommodate the traffic flows that would be generated, as demonstrated through a transport assessment, and the impact of traffic generated does not have an unacceptable adverse impact on the environment or local community. Policy DM15 states that development will be granted planning permission where it would not give rise to unacceptable impacts on road transport or where these impacts are mitigated. Policy DM17 indicates that traffic management measures will be secured where appropriate (by planning obligation) where such objectives cannot be achieved by planning conditions.
77. Policies CP2 and DM6 of the Swale LP require development that protects and maintains the highway network in terms of traffic flow, capacity and highway safety. Policy CP2 states that development proposals will contribute to transport network improvements where capacity is exceeded and / or safety standards are unacceptably compromised, support the provision of major new transport infrastructure in accordance with national and local transport strategies, maintain and improve the highway network at key points to improve traffic flows and respond to the impact of new development and regeneration and facilitate greater use of waterways for commercial traffic where this would not have an unacceptable adverse environmental impact. Policy DM6 also encourages the use of sustainable transport modes, protects usable wharves or rail facilities and seeks the safe and efficient delivery of goods and supplies.
78. Despite acknowledging that most of the material for processing is proposed to be that generated by the K3 SEP and WKN (such that much of the material would be imported via Swale Way and Barge Way) and that some of the processed material (IBBA) would be exported by barge from Ridham Dock, Iwade PC has objected to the proposed development on the grounds that associated HGV movements would adversely impact on the already congested area of Sittingbourne and in particular on the A249 / M2.
79. No objections have been received from technical or other consultees and no representations have been made in respect of traffic and transportation. Highways England and KCC Highways and Transportation have no objections subject to conditions to secure a Construction Management Plan, a Travel Plan (to promote HGV movements outside the peak periods), no HGVs associated with the delivery of IBA to the site entering or leaving the site on weekdays between 07:30 and 09:30 hours and between 16:30 and 18:30 hours other than from the Kemsley SEP (which is taken to be the consented K3 SEP as well as the K3 SEP expansion and WKN if a DCO is

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secured), no more than 6 HGVs associated with the delivery of IBAA or metals from the site entering or leaving the site (i.e. 6 in / 6 out) on weekdays between 07:00 and 09:30 hours and none between 16:30 and 18:30 hours (excluding those taking IBAA to Ridham Dock for export by barge), all HGVs entering and leaving the site via the Western Access Route prior to the completion and opening of the Grovehurst Junction improvements unless delivering IBA to the site from the Kemsley SEP, no more than 310,000 tonnes of IBAA and metals being exported by road from the site in any 12 month period, no more than 165,500 tonnes of IBA being imported to the site by road from sources other than the Kemsley SEP in any 12 month period and records being kept and made available to KCC to demonstrate compliance with these restrictions (i.e. the conditions set out in paragraphs 43 and 44 above).

80. Highways England had initially raised concerns about the potential impact of HGV movements associated with the proposed development on both the A249 and M2 Junction 5 and KCC Highways and Transportation had initially expressed similar concerns about the potential impact on the Grovehurst Junction. KCC Highways and Transportation had also initially sought a financial contribution to the Grovehurst Junction improvements. The concerns of both were overcome by the restrictions set out above (which have been agreed by the applicant) and KCC Highways and Transportation has also accepted that a financial contribution can no longer be justified as the proposed development would not give rise to HGV movements through the Grovehurst junction during peak periods.
81. Whilst there are current issues with highway capacity during peak periods on both the strategic and local road network (i.e. at M2 Junction 5, the A249 and Grovehurst Junction), the application site is well located in relation to key arterial routes and the proposed development would not necessitate HGV movements through villages or on unacceptable stretches of road. The proposed conditions are sufficient to overcome any legitimate concerns about highway safety and capacity.
82. The proposed 165,500tpa limit on the quantity of IBA that could be delivered to the site by road for processing from sources other than the Kemsley SEP would mean that at least 59% of all IBA would be delivered using entirely private roads (other than the roundabout at the north eastern end of Barge Way). The proposed 310,000tpa limit on the quantity of IBAA and metals that could be delivered from the IBA recycling facility would serve to reinforce the applicant's stated intention of exporting 50,000tpa of IBAA from Ridham Dock to Ipswich. Whilst it could still result in 86% of IBAA and metals being exported by road, the proximity of the site to the wharves at Ridham Dock is likely to encourage the applicant to explore further opportunities for non-road transport. However, it should be noted that markets for the IBAA and metals may be relatively local such that distribution by road is necessary or more desirable. Indeed, the applicant envisages the majority of IBAA produced at the proposed facility being consumed within the Kent / Medway area.
83. Vehicular movements associated with the proposed development have the potential to give rise to adverse impacts relating to mud or other materials being tracked or spilt onto the highway (or private roads). It would therefore be appropriate to ensure that the surfacing of the site access is maintained in a good state of repair and kept clean and free of mud and other materials at all times, that measures are taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public

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highway (including by use of wheel and chassis cleaning equipment as necessary) and that all loaded, open backed vehicles entering or leaving the site are properly enclosed or sheeted. This would also assist in minimising air quality / dust impact.

84. Subject to the imposition of conditions to secure the matters requested by Highways England and KCC Highways and Transportation, those designed to ensure that roads are kept free of mud or other materials and loads are appropriately enclosed or sheeted and any to ensure that the development is implemented and undertaken as proposed, I am satisfied that the proposed development is acceptable in terms of highways and transportation and complies with relevant planning policies.

Noise

85. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of noise pollution. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and that in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise, avoid noise giving rise to significant adverse impacts on health and the quality of life and protect tranquil areas. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include potential noise pollution and impact on sensitive receptors (linked to proximity). The NPPW states the operation of large waste management facilities can produce noise affecting both the inside and outside of buildings (including noise and vibration from goods vehicle traffic movements to and from a site) and that intermittent and sustained operating noise may be a problem if not properly managed (particularly if night-time working is involved).
86. Policy CSW6 of the Kent MWLP requires waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site. Policy DM11 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from noise. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes.
87. Policy DM14 of the Swale LP requires development that causes no significant harm to amenity and other sensitive uses or areas.
88. No objections have been received from consultees and no representations have been made in respect of noise impact. KCC's Noise Consultant is satisfied that the applicant has provided a detailed noise assessment for all temporary and permanent aspects of the proposed IBAA production process and that no adverse noise impact is expected to occur at any nearby noise sensitive receptor by day or at night. It has recommended the imposition of a condition to secure the prior approval and implementation of a Construction Environmental Management Plan (CEMP). The Environment Agency has not raised any concerns in respect of noise impact and has issued an Environmental Permit for what is proposed. The Environmental Permit

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states that the proposed development shall not cause noise and vibration pollution and requires that measures be taken to minimise this possibility. The Environment Agency can also require the operator to submit a noise and vibration management plan which identifies and minimises the risks of pollution from noise and vibration for its approval and to implement it thereafter. Although addressed separately in the Ecology section below, it should be noted that neither Natural England nor KCC Ecological Advice Service have raised objections in respect of noise impact.

89. The application site is remote from residential properties. Although the use of the Southern Access Route would necessitate HGVs using Swale Way (which lies just to the north of residential development at Kemsley and is separated from it by close boarded fencing and / or a brick wall and a landscaped buffer / stand-off) any noise impacts associated with this would not be significant. As a result, if the use of the Southern Access Route were to occur following the completion and opening of the Grovehurst Junction improvements this would be acceptable in terms of noise impact. The requirement to use the Western Access Route pending this would serve to reduce the impact of any noise associated with HGV movements on residential properties since it would mean no HGVs using Swale Way during this period.
90. The applicant proposes that Best Practicable Means (BPM) be employed during construction to minimise noise impact and this is capable of being incorporated into the proposed CEMP (which could usefully be combined with the Construction Management Plan requested by Highways England). The applicant also states that Best Available Techniques (BAT) would need to be employed to minimise noise impact during operations in order to comply with Environmental Permit. Given the distance between the site and any housing, the industrial nature of the Ridham Dock area and as the actual processing of IBA (including crushing and screening) would take place within a building, I am satisfied that no additional noise controls are necessary other than to prohibit piling (should this become necessary) to facilitate construction during the core winter period of November to February for the reasons explained in the Ecology section below. Operations external to the processing building would be similar to others undertaken at Ridham Dock (i.e. the transfer and storage of materials and associated vehicular and plant movements).
91. Subject to the imposition of conditions to secure a Construction Environmental Management Plan (CEMP), no piling works between November and February (inclusive) and any to ensure that the development is implemented and undertaken as proposed, I am satisfied that the proposed development is acceptable in terms of noise impact and complies with relevant planning policies.

Air quality (including dust / odour)

92. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of air pollution and that development should wherever possible help to improve local environmental conditions such as air quality. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the

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development. Paragraph 181 states planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking account of the presence of Air Quality Management Areas (AQMAs).

Paragraph 183 states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively.

Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include the proximity of sensitive ecological and human receptors and the extent to which adverse emissions (including odour) can be controlled using appropriate and well-maintained and managed equipment and vehicles.

93. Policy CSW6 of the Kent MWLP requires waste development that avoids sites on or in proximity to land where alternative development exists / has planning permission for alternate uses that may prove to be incompatible with the proposed waste management uses on the site and does not give rise to significant adverse impacts on AQMAs. In respect of development which may give rise to bioaerosols (such as composting) it states that facilities should be located at least 250m from any potentially sensitive receptors. Policy DM11 states waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from dust, odour, emissions bioaerosols or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. It states that this may include production of an air quality assessment of the impact of the proposed development and its associated traffic movements and necessary mitigation measures required through planning condition and / or planning obligation. It further states that proposals will also be required to ensure that there is no unacceptable adverse impact on the use of other land for other purposes. Policy DM12 states that permission will be granted for waste development where it does not result in an unacceptable adverse, cumulative impact on the amenity of a local community. Policy DM13 states that development should demonstrate that emissions associated with road transport movements are minimised as far as practicable, including by emission controls and reduction measures (e.g. the use of low emission vehicles and vehicle scheduling to avoid movements in peak hours).
94. Policy DM14 of the Swale LP requires development that causes no significant harm to amenity and other sensitive uses or areas.
95. Iwade PC has objected to the proposed development due to the impact of dust from unprocessed and processed ash.
96. No objections have been received from technical or other consultees and no representations have been made in respect of air quality. KCC's Air Quality Consultant is satisfied that the proposed development can proceed without any significant environmental impacts in terms of air quality (from operations on site or from HGV movements, regardless of whether the Southern or Western Access Route is used) and odour (noting that odour is not normally an issue for IBA). The Environment Agency has not raised any concerns in respect of air quality and has issued an Environmental Permit for what is proposed. The Environmental Permit states that the

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proposed development shall not cause air (or odour) pollution and refers to the measures intended to minimise this possibility. Although addressed separately in the Ecology section below, it should be noted that neither Natural England nor KCC Ecological Advice Service have raised objections in respect of air quality associated with operations on site or from HGV movements.

97. The proposed development includes various measures designed to minimise air quality impacts. These include the provision of a water supply tank (served by harvested water from the sealed drainage system and supplemented by mains water if required) and a range of on-site dampening procedures to manage fugitive dust emissions (including automatic “rain guns” which would be set to run automatically but which could also be manually controlled and supplemented by mobile equipment as necessary). It should be noted that the quenching of IBA prior to it being transported to the site would mean that the IBA is already damp on arrival. Once the IBA has matured, the remaining treatment process would be entirely enclosed until the IBAA is discharged at the end of the IBAA discharge conveyer (which would be equipped with a spray bar to dampen the material and to minimise any fugitive emissions associated with this activity). The main treatment equipment (crushing and screening plant) would be housed within a steel clad structure and all externally located plant conveyers would be fully covered. All material loading points would be equipped with dust hoods in order to prevent fugitive emissions from material loading activities. Other measures which would assist in minimising air quality impacts from operations on site include the installation and use of a wheel wash (to clean wheels and chassis of departing HGVs), not allowing stockpile heights of IBA and IBAA to exceed 10m and the provision of a 2.1m high retaining wall around the inside perimeter of the site. It should be noted that the Environmental Permit was issued in the knowledge that 10m stockpile heights would be employed at the proposed facility.
98. Subject to the imposition of conditions to secure appropriate air quality / dust management measures (including a CEMP), stockpile heights of IBA and IBAA not exceeding 10m, those designed to ensure that roads are kept free of mud or other materials and loads are appropriately enclosed or sheeted and any to ensure that the development is implemented and undertaken as proposed, I am satisfied that the proposed development is acceptable in terms of air quality impact and complies with relevant planning policies.

Ecology (including Appropriate Assessment)

99. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing sites of biodiversity value (in a manner commensurate with their statutory status or identified quality) and minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that when determining planning applications, local planning authorities should refuse development which that would result in significant harm to biodiversity if this cannot (as a last resort) be compensated for. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment against various locational criteria. These include protecting ecological networks and protected species.

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100. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that do not give rise to significant adverse impacts upon (amongst others) SSSIs, SPAs and Ramsar Sites. Policies DM1, DM2 and DM3 seek to protect and enhance biodiversity interests or mitigate and if necessary compensate for any predicted loss.
101. Policies DM14 and DM28 of the Swale LP require development that conserves, enhances, and extends biodiversity, minimising any adverse impacts and compensating where impacts cannot be mitigated. Policy CP7 seeks to ensure there is no adverse effect on the integrity of a SAC, SPA or Ramsar site, alone or in combination with other plans and projects.
102. Iwade PC has objected to the proposed development due to the proximity of the site to the SSSI / Ramsar Site and protected species.
103. No objections have been received from technical or other consultees and no representations have been made in respect of ecology.
104. KCC Ecological Advice Service has advised that it is satisfied that the proposed development would have no significant effect on designated sites (The Swale SSSI, SPA, Ramsar and MCZ) or protected species (e.g. water voles) subject to conditions to secure: the development taking place as proposed; piling only being carried between the months of March to October (to avoid the core winter period of November to February), if piling is necessary at all; no off-site drainage of rain water and leachate (process water) from within the site; and lighting being designed to avoid light spill onto adjoining areas (with any light spillage being below 0.5 Lux). In terms of the required Habitat Regulations Assessment (HRA), which it assisted in completing, it has advised that it is satisfied that the proposed development would not result in a likely significant effect on the European Sites either alone or in-combination with proposed plans or projects (including the proposed K3 SEP expansion / WKN at Kemsley which is the subject of the DCO application). The HRA (dated 13 November 2020) concluded: *“Taking into account the responses of Natural England, the Environment Agency and KCC Ecological Advice Service, alongside the information provided with the application, the WPA [i.e. Waste Planning Authority] is satisfied that this project alone, or in-combination with the Development Plan or other proposed development, would not affect the integrity of the Swale SPA and Ramsar sites provided the development is carried out as set out in the application documents and the mitigation measures outlined above [i.e. within the Appropriate Assessment] are secured by condition and implemented if planning permission were to be granted.”*
105. Natural England has advised that the proposed development would not have significant adverse impacts on designated sites, The Swale SSSI, SPA, Ramsar site and The Swale Estuary Marine Conservation Zone (MCZ). However, this advice pre-dates the proposed use of the Western Access Route (in July 2020) and the HRA (dated 13 November 2020). At the time of writing this report Natural England has not specifically commented on these. Natural England was consulted on the proposed use of the Western Access Route on 21 July 2020. It was asked whether it intended to respond to this consultation on 27 October, 6 November and again on 13 November 2020. On 13 November 2020 it was provided with a copy of KCC’s HRA and asked to confirm whether it was acceptable as soon as possible. It was informed that if no

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response is received within 21 days (i.e. by 4 November 2020) it would be assumed that it was acceptable and the application would be reported on that basis. It was again asked to confirm that it was content with the proposed use of the Western Access Route (instead of the Southern Access Route) until such time as improvements are made to the Grovehurst Junction on the A249 (having regard to the further ecological information submitted in July 2020). As with the HRA, it was advised that if no response is received within 21 days it would be assumed that it is acceptable and the application would be reported on that basis. Members will be updated and the recommendation amended as necessary if a response is received from Natural England. As currently drafted, the recommendation would provide the Head of Planning Applications with the opportunity to seek to resolve any concerns that may be raised by Natural England and, subject to satisfactory resolution, issue a decision without reverting to the Planning Applications Committee.

106. Notwithstanding the concerns expressed by Iwade PC, given the advice from KCC Ecological Advice Service and subject to Natural England not raising late objection to the use of the Western Access Route or HRA which are incapable of being satisfactorily resolved without any fundamental changes to the proposed development, I am satisfied that the proposed development is acceptable in terms of ecological impact (including any impact on the designated areas and protected species) and complies with relevant planning policies subject to the imposition of conditions to secure those matters recommended by KCC Ecological Advice Service and any to ensure that the development is implemented and undertaken as proposed. If Natural England does raise concerns or objections to the use of the Western Access Route or HRA which are capable of being satisfactorily resolved by the imposition of conditions without any fundamental changes to the proposed development or the proposed controls set out in this report, I consider that those conditions should additionally be imposed by Head of Planning Applications in consultation with Natural England, KCC Ecological Advice Service and the applicant.

Landscape and visual impact

107. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment and that in doing so they should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria and other matters. These include landscape and visual impacts (e.g. design-led solutions that respect landscape character, the need to protect landscapes or designated areas of national importance and any localised height restrictions) and potential light pollution.
108. Policy CSW6 of the Kent MWLP states that planning permission will be granted for facilities that may involve prominent structures subject to the ability of the landscape to accommodate the structure after mitigation. Policy DM1 supports sustainable development and states that proposals will be required to demonstrate that they have

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been designed to protect and enhance the character and quality of the site's setting. Policy DM11 states that waste development will be permitted if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts from illumination and visual intrusion. Policy DM12 states that permission will be granted for waste development where it does not result in an unacceptable adverse cumulative impact on the environment.

109. Policies ST1, CP7, DM14 and DM22 of the Swale LP seek development that reflects the positive characteristics and features of the site, locality and landscape. Policy DM24 seeks to conserve and enhance the landscape in Areas of High Landscape Value (at Kent and Swale Level) and avoid, minimise and mitigate adverse landscape impacts as appropriate. When significant adverse impacts remain, it requires that the social and / or economic benefits of the proposal outweigh any harm.
110. No objections have been received in respect of landscape and visual impact.
111. KCC's Landscape Consultant has no objection subject to the development being implemented as proposed (including in respect of ground levels) and no additional buildings, plant or machinery being erected or installed unless approved beforehand by KCC. It is satisfied that the proposed development would result in only minimal impact upon visual amenity and local landscape character due, in large part, to its location within an existing industrial complex which is visually dominated by large scale industrial buildings and other infrastructure. Whilst the site would clearly be open to views from users of Footpath ZR88 (on the flood defence wall), it would have no impact on open views across The Swale and Elmley Marshes to the east. As noted in paragraph 52 above, it supports a number of the design principles which are embedded in the proposed development. These include: the location of all large structures (including the processing plant) towards the southern end of the site (where they would sit close to and associate with the tall structures and mass of the Ridham Biomass Power Station); the use of light grey coloured cladding (to match that on adjoining buildings and be less conspicuous against the open sky); stockpiles being no higher than 10m (so they are no taller than adjacent industrial buildings when viewed from the north and east and are effectively screened by intervening buildings in longer distance views from the south and west); the use of a 2m high wall around the site (to screen lower level operations from local viewpoints); the use of directional downlighters on any flood lighting (ideally facing away from the areas to the north and east to minimise any light pollution over The Swale and the remote marshland to the north and east); not introducing screen planting to provide landscape and visual mitigation (since extensive areas of tree planting are not characteristic of the local landscape); and not introducing a high screening bund (as it would be seen as an uncharacteristic feature within the flat marshland landscape and would have limited effect in screening the development).
112. KCC's Lighting Consultant has no objection and is satisfied that the proposed lighting philosophy and design are in accordance with relevant standards and good industry practice.
113. I agree with the points made by KCC's Landscape Consultant about the embedded design features of the proposed development. I note that main building of the Ridham Biomass Power Station (operated by MVV) is 35m high, the stack 32m high and the

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shredding shed 10m high. The Blue Phoenix building to the west of the MVV site is 10.5m high and another further to the west is 12.65m high. The other main buildings in the area are of a similar height although there are various port related structures (including cranes and silos) which are considerably higher. The buildings at Ridham Dock are mainly light grey or light green in colour although there are some exceptions. The proposed 10m maximum stockpile height is greater than is permitted at any of the adjoining waste management sites which vary between 5m and 7m (those at Blue Phoenix being 6m). However, I am not aware of any specific limitations on stockpile heights at Ridham Dock and the associated wharves themselves. Not all of the stockpiles at the other waste sites are for inert materials like IBA and IBAA. A number are for waste wood (which gives rise to different issues). The Blue Phoenix site (also IBA and IBAA) is smaller in size which constrains how high stockpiles can reasonably be in that location. Notwithstanding these differences, there is no objection to the proposed 10m height for landscape and visual amenity or other reasons. It is also worth noting that the flood defence wall (on which Footpath ZR88 lies) is at about 6m AOD and about 25m from the edge of the application site. The concrete pad on the application site would be at between 2.3m AOD (in the north) and 4.4m AOD (in the south) and have a 2.1m concrete wall on top of it. As a result, users of the footpath would not be standing immediately adjacent to the IBA stockpiles (the IBAA would be further to the west) and the base of IBA would be well below the height of the footpath. The IBA stockpiles would also be formed with a natural angle of repose of about 40 degrees such that the 10m height would not be reached close to the edge of the site. It should also be noted that whilst the drawings illustrating the proposed development appear to suggest that the vast majority of the proposed site would be filled with 10m high stockpiles, these would (in reality) be more transitory in nature reflecting the fact that IBA would be imported, stockpiled and processed over time.

114. There are no trees or shrubs within the application site or within the applicant's control and none are proposed. Given the advice from KCC's Landscape Consultant I am content with this.
115. The lighting design strategy submitted in June 2020 includes details which show that any light spillage would be below the 0.5 Lux figure sought by KCC Ecological Advice Service. Given this, and as KCC's Lighting Consultant is satisfied with the proposed strategy, it would be appropriate to impose a condition securing it and emphasising the need for the lighting to be installed, used and maintained to ensure that light spillage does not exceed 0.5 Lux. It would also be appropriate to include a number of other conditions to secure: the removal of permitted development rights to ensure that no additional buildings, plant or machinery are erected or installed on site unless approved beforehand by KCC; the prior approval by KCC of the ancillary buildings referred to in paragraph 22 above; the removal of all IBA, IBAA, metals or other materials, buildings, plant and machinery from the site within 2 years of the permanent cessation of the IBA Recycling Facility; and that the development is implemented as proposed (e.g. the operational layout of the site, stockpile heights of IBA and IBAA being restricted to no more than 10m and the processing plant being coloured and maintained in light grey).
116. Subject to the imposition of conditions referred to in paragraph 115 above, I am satisfied that the proposed development is acceptable in terms of landscape and visual impact and complies with relevant planning policies.

**Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)**

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Water environment

117. Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 170 states that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination (including risks arising from former activities such as mining). Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on the natural environment. Paragraph 183 states that the focus should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes) and that planning decisions should assume that these regimes will operate effectively. Paragraph 7 of the NPPW states that when determining waste planning applications WPAs should consider the likely impact on the local environment and on amenity against various locational criteria. These include the protection of water quality and resources and flood risk management. It also re-iterates that WPAs should concern themselves with implementing the planning strategy and not with the control of processes which are a matter for the pollution control authorities.
118. Policy CSW6 of the Kent MWLP states that planning permission will be granted for proposals that avoid Groundwater Source Protection Zone 1 or Flood Risk Zone 3b. Policy DM1 states that waste proposals should be designed to incorporate measures for water recycling where possible and utilise sustainable drainage systems wherever practicable. Policy DM10 states that planning permission will be granted for waste development where it would not result in the deterioration of physical state, water quality or ecological status of any water resource and water body, have an unacceptable impact on groundwater Source Protection Zones (SPZs) or exacerbate flood risk.
119. Policy DM21 of the Swale LP seeks to avoid inappropriate development in areas at risk of flooding and where development would increase flood risk elsewhere, protect water quality to the satisfaction of the Environment Agency, require flood defence measures (where necessary) and appropriate drainage strategies and encourages the use of SUDS. Policy DM23 supports development in the Coastal Change Management Area (CCMA) where this comprises essential infrastructure, water-compatible development.
120. No objections have been received in respect of the water environment. The Environment Agency has no objection subject to two conditions. The first relates to the scenario in which unexpected contamination is encountered during development of the site which necessitates the implementation of a remediation strategy. The second relates to its wish for the remediation permitted by Swale BC to be completed and its success formally verified. Since requesting these conditions, the remediation of the site has been completed, Swale BC has formally approved the verification report and

**Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)**

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the Environment Agency has issued an Environmental Permit for the IBA Recycling Facility. Whilst the second of the conditions has already been addressed (and is therefore no longer necessary), it would be appropriate to include the first since the installation of the concrete pad would necessitate further disturbance of the ground within the site and could potentially lead to contamination being encountered. Although addressed separately in the Ecology section above, it should be noted that neither Natural England nor KCC Ecological Advice Service have raised objections in respect of the water environment.

121. The Environment Agency has advised that it is satisfied in terms of flood risk due to the presence of existing flood defences. Whilst the majority of the issues it has raised relating to the water environment have been addressed in its consideration (and issuing) of the Environmental Permit, those relating to foul water and its potential discharge have not. It has stated that it would prefer foul drainage to be discharged to mains sewers where possible. The Environment Agency has advised that the discharge of treated effluent to surface water would require an environmental permit due to the proximity to the Swale's conservation designations and receptor sensitivity. These comments were based on the applicant's initial proposal to discharge treated foul water from staff accommodation and welfare facilities to outfall via headwall into the ditch / watercourse on the southern boundary after being treated by a sub-surface bio-digester facility. However, this was subsequently amended such that it is now proposed that treated foul water would be discharged into the closed water recirculation system.
122. KCC Sustainable Drainage (SUDS) has no objection having regard to the information submitted in support of the application and in light of the Environment Agency having issued the Environmental Permit.
123. The proposed development would be located on a purpose-built impermeable surface with sealed drainage. The hardstanding would drain to a sump on the eastern boundary to enable water to be collected and re-used for dust suppression and in IBA processing. This would avoid the need for rain water or leachate to be disposed of off-site, although if the storage tanks near capacity (4,000m<sup>3</sup>) the liquid could be tankered off-site for disposal at an appropriate installation. Surface run-off from the ramped access roads outside of the operational area would be captured by slot drain into a sump and pumped back into the site to be managed with the other water. These arrangements are consistent with the requirements of the above policies and have been accepted by the Environment Agency in issuing the Environmental Permit. Given that KCC Ecological Advice Service wishes to preclude surface, process and foul water being discharged off-site and as it is proposed that no surface or foul water would be discharged off-site, I consider it appropriate to impose a condition to this effect. The applicant's Flood Risk Assessment recommends that a flood evacuation plan be prepared and appropriate training given to staff. I am content that a flood evacuation plan be submitted to KCC for approval prior to the occupation of any buildings on site.
124. Subject to the imposition of a condition relating to the scenario in which unexpected contamination is encountered during development of the site which necessitates the implementation of a remediation strategy and conditions to secure a flood evacuation plan and ensure that no surface, process or foul water is discharged from the site and

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that the development is implemented and undertaken as proposed, I am satisfied that the proposed development is acceptable in terms of the water environment and complies with relevant planning policies.

**Conclusion**

125. Objections have been received from Iwade PC relating to HGV movements / congestion on the A249 / M2, concern that another waste / Incinerator Bottom Ash (IBA) recycling facility is being proposed at Ridham Dock, the potential impact of dust from unprocessed and processed ash and the proximity of the proposed development to the SSSI / Ramsar Site and protected species. However, it does acknowledge that most of the IBA processing is proposed to be that generated by the Kemsley Sustainable Energy Plant (SEP) (K3 SEP) and Wheelabrator Kemsley North (WKN) such that much of the material would be imported via Swale Way and Barge Way and that some of the processed material (Incinerator Bottom Ash Aggregate (IBAA)) would be exported by barge from Ridham Dock.
126. There are no objections from technical and other consultees (in cases subject to conditions) and no representations have been received. Swale BC has no objection subject to the imposition of conditions considered appropriate by KCC and statutory consultees.
127. The location of the proposed development within an established industrial area and on previously developed land is acceptable in principle and would not prejudice the safeguarding of the wharves at Ridham Dock. The proposed recycling of IBA would represent a further stage of resource recovery, diverting waste from landfill and recycling it into a reusable product (IBAA). It would also enable metals that would otherwise be landfilled to be recovered, processed and recycled. The provision of additional waste management capacity that maximises the recovery of by-products and moves the management of more waste up the waste hierarchy would contribute to sustainable waste management and be consistent with relevant waste policies. For the reasons set out in paragraphs 69 to 71 of this report, there is a clear need for additional IBA processing capacity in Kent if IBA from the consented K3 SEP is not to continue to be exported from the County or landfilled. Notwithstanding the fact that KCC has objected to the DCO application (primarily for waste policy and highways reasons), and whilst it is premature to have regard to the need for IBA recycling capacity from the WKN / K3 SEP expansion in determining this application, it is clear that the proposed IBA Recycling facility at Ridham Dock would be well placed to handle much of that waste if a DCO was granted. It is also important to note that granting planning permission for what is now proposed would not undermine KCC's objection to the DCO application. Regardless of the outcome of the DCO application, the proposed development would make an important contribution to achieving self-sufficiency in Kent. The location of the proposed development can also be viewed favourably given its proximity to the K3 SEP.
128. Highways England and KCC Highways and Transportation are satisfied that the proposed development is acceptable in terms of potential impact on the strategic and local road network and have no objections subject to the imposition of conditions which would (amongst other things) require the use of the Western Access Route prior to the

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upgrading of the Grovehurst Junction on the A249 and restrict the number of HGVs associated with the proposed development using the public highway during peak times (i.e. to reduce pressure on the A249 and M2 Junction 5). The proposed conditions would also limit the amount of IBA that could be imported from sources other than the Kemsley SEP (which would be defined as the consented K3 SEP as well as the K3 SEP expansion and WKN if a DCO is secured) and require the use of non-road transport for some of the IBAA to be exported which would further reduce impact on the public highway. The proposed conditions to ensure that roads are kept free of mud or other materials and loads are appropriately enclosed or sheeted would be beneficial for highway safety and reduce the potential for adverse air quality / dust impact.

129. KCC's Noise and Air Quality Consultants are satisfied that the proposed development is acceptable and have no objections (in the former case subject to the requirement for a Construction Environmental Management Plan (CEMP)). The Environment Agency has no objection (subject to conditions) and has issued an Environmental Permit for the proposed development which includes operational controls in respect of noise, air quality, dust and odour.
130. KCC Ecological Advice Service is satisfied that the proposed development would have no significant effect on designated sites (SSSI, SPA, Ramsar and MCZ) or protected species subject to conditions and has confirmed its acceptance of the Habitat Regulations Assessment (HRA) which has been completed as required by legislation. At the time of writing this report, Natural England has raised no objections and has advised that the proposed development would not have significant adverse impacts on designated sites. However, it has not formally commented on the proposed use of the Western Access Route or to KCC's Habitat Regulations Assessment (HRA). Members will be updated as necessary should its position change or be supplemented in any way.
131. KCC's Landscape and Lighting Consultants are satisfied that the proposed development is acceptable subject to conditions (including measures that are embedded in its design and lighting being implemented to minimise light spill).
132. The Environment Agency and KCC SUDS are satisfied that the proposed development is acceptable (in the former case subject to a condition which is capable of being imposed if planning permission is granted). The second condition proposed by the Environment Agency relating to the previous remediation of the site is no longer necessary as it has been addressed by Swale BC. The presence of an Environmental Permit provides a further indication of the acceptability of what is proposed in terms of any impact on amenity and the environment.
133. I am satisfied that the proposed development is acceptable in terms of traffic and transportation, noise, air quality (including dust / odour), ecology (including Appropriate Assessment), landscape and visual impact and water environment, that there is strong case for permitting additional IBA recycling capacity and that granting planning permission for what is proposed would be consistent with relevant planning policies subject to the imposition of the conditions referred to in this report. I therefore recommend accordingly.

**Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)**

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**Recommendation**

134. I RECOMMEND that subject to no late objection by Natural England to the application or to KCC's Habitat Regulations Assessment (HRA) that is incapable of being satisfactorily resolved by Head of Planning Applications following the Committee Meeting PLANNING PERMISSION BE GRANTED SUBJECT TO:

(i) conditions covering amongst other matters:

- the prior approval and implementation of a Construction Environmental Management Plan (CEMP) to address potential adverse impacts during the construction phase (including those relating to highways, noise and air quality / dust);
- a Travel Plan (to promote HGV movements outside the peak periods);
- no HGVs associated with the delivery of IBA to the site entering or leaving the site on weekdays between 07:30 and 09:30 hours and between 16:30 and 18:30 hours other than from the Kemsley SEP;
- no more than 6 HGVs associated with the delivery of IBAA or metals from the site entering or leaving the site (i.e. 6 in / 6 out) on weekdays between 07:00 and 09:30 hours and none between 16:30 and 18:30 hours (excluding those taking IBAA to Ridham Dock for export by barge);
- all HGVs entering and leaving the site via the Western Access Route prior to the completion and opening of the Grovehurst Junction improvements unless delivering IBA to the site from the Kemsley SEP;
- no more than 310,000 tonnes of IBAA and metals being exported by road from the site in any 12 month period;
- no more than 165,500 tonnes of IBA being imported to the site by road from sources other than the Kemsley SEP in any 12 month period;
- records being kept and made available to KCC to demonstrate compliance with the above restrictions;
- the surfacing of the site access being maintained in a good state of repair and kept clean and free of mud and other materials at all times;
- measures being taken to ensure that vehicles leaving the site do not deposit mud or other materials on the public highway (including by use of wheel and chassis cleaning equipment as necessary);
- all loaded, open backed vehicles entering or leaving the site being properly enclosed or sheeted;
- measures to minimise air quality (including dust) impact;
- no piling works between November and February (inclusive) [or piling works only being carried between the months of March to October (to avoid the core winter period of November to February), if piling is necessary at all];
- lighting to be installed, used and maintained in accordance with the applicant's lighting design strategy to avoid light spillage onto adjoining areas to ensure that any light spillage does not exceed 0.5 Lux;
- the removal of permitted development rights to ensure that no additional buildings, plant or machinery are erected or installed on site unless approved beforehand by KCC;
- the prior approval by KCC of all ancillary buildings;

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- the removal of all IBA, IBAA, metals or other materials, buildings, plant and machinery from the site within 2 years of the permanent cessation of the IBA Recycling Facility;
- the operational layout of the site being as proposed;
- stockpile heights of IBA and IBAA being restricted to no more than 10m;
- the processing plant being coloured and maintained in light grey;
- the scenario in which unexpected contamination is encountered during development of the site which necessitates the implementation of a remediation strategy;
- no surface, process or foul water being discharged from the site;
- a flood evacuation plan; and
- any further conditions deemed necessary by Head of Planning Applications in consultation with Natural England, KCC Ecological Advice Service and the applicant to overcome any concerns or objections raised by Natural England to the use of the Western Access Route or Habitat Regulations Assessment (HRA) which do not give rise to any fundamental changes to the proposed development or the proposed controls set out above.

(ii) informatives relating to the following:

- The applicant be advised that for the purposes of the highway restrictions which refer to the Kemsley SEP, this shall be taken to be the consented K3 SEP and any permissions that may be granted for the K3 SEP expansion and WKN via the current DCO process;
- The applicant be advised that the Travel Plan must include sufficient detail regarding how it will be implemented and its effectiveness monitored and contain details of the mechanisms to be used to review the Plan and introduce amended and / or new actions to achieve the stated intentions if monitoring suggests its intentions are not being achieved; and
- The applicant be advised that in accordance with Government Guidance, detailed controls in respect of emissions will be matters for the Environment Agency under the terms of the Environmental Permit and that any new development at the site and / or changes in operational procedures must be in accordance with the Environmental Permit.

Case Officer: Jim Wooldridge
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Tel. no. 03000 413484
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Background Documents: see section heading.
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**Appendix 1 to Item C1**

**Construction and operation of an Incinerator Bottom Ash (IBA) recycling facility at Plot 6B Ridham Dock Estate, Iwade, Sittingbourne, Kent ME9 8FQ - SW/20/500291 (KCC/SW/0008/2020)**

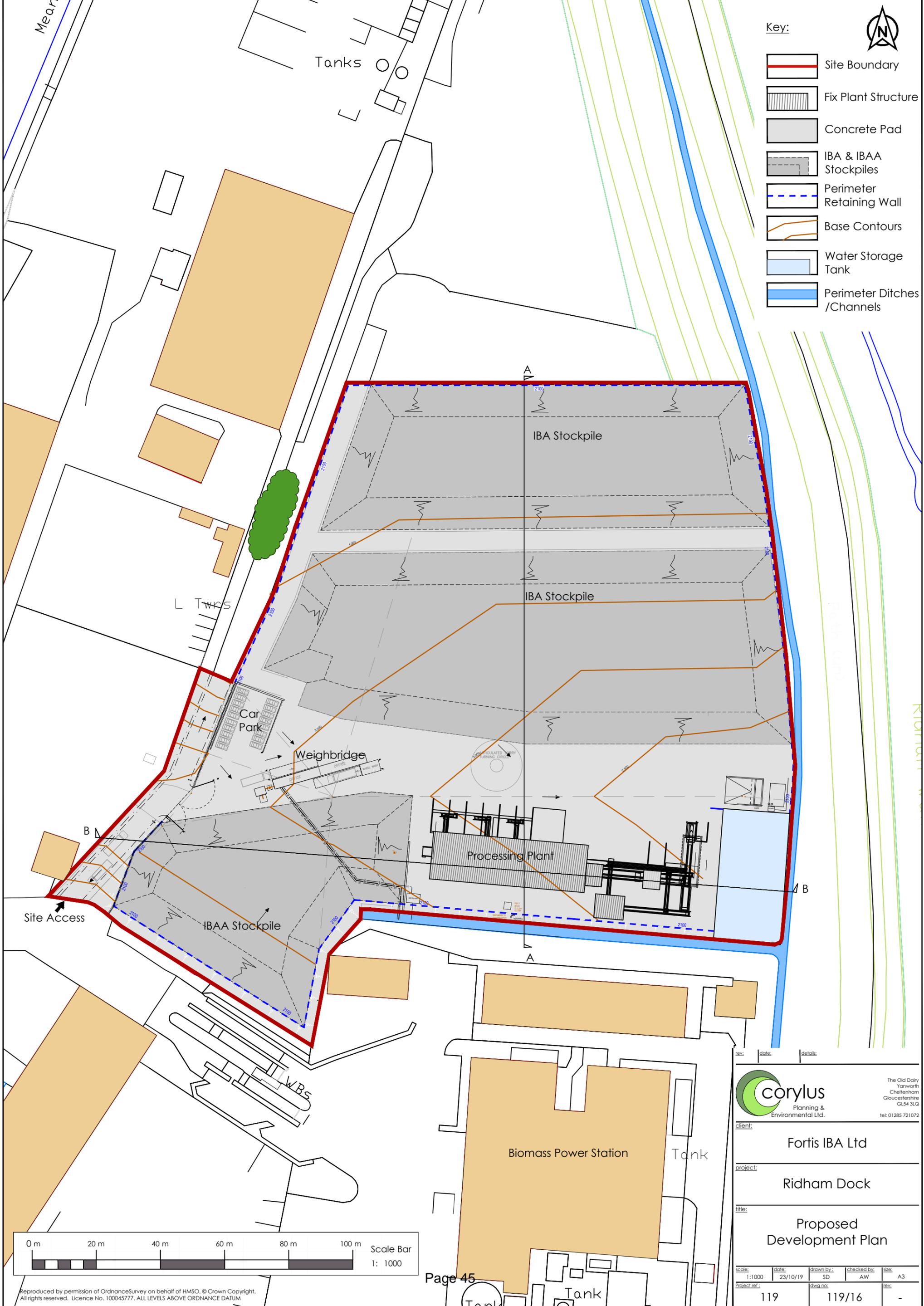
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**See separate Appendix 1 which contains the following drawings illustrating the proposed development:**

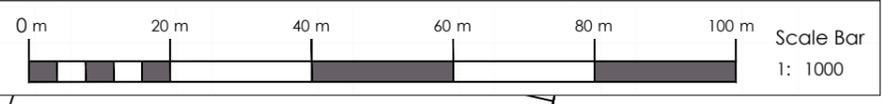
1. Drawing number 119/14 titled "Planning Application Boundary" (dated 11 November 2019).
2. Drawing number 119/16 titled "Proposed Development Plan" (dated 23 October 2019).
3. Drawing number 119/17 Rev A titled "IBA Processing Plant Detail" (dated 16 December 2019).
4. Drawing number 119/18 Rev A titled "IBA Processing Plant Detail" (dated 16 December 2019).
5. Drawing number 119/19 Rev A titled "Cross Section Showing Typical Boundary Detail" (dated 2 December 2019).
6. Drawing number D001 Rev A titled "Detailed Drainage Strategy" (dated 22 April 2020).
7. Drawing number SSEdraft-LD-001 Rev A titled "External Lighting layout Drawing" (SSE Enterprise) (dated 17 March 2020).



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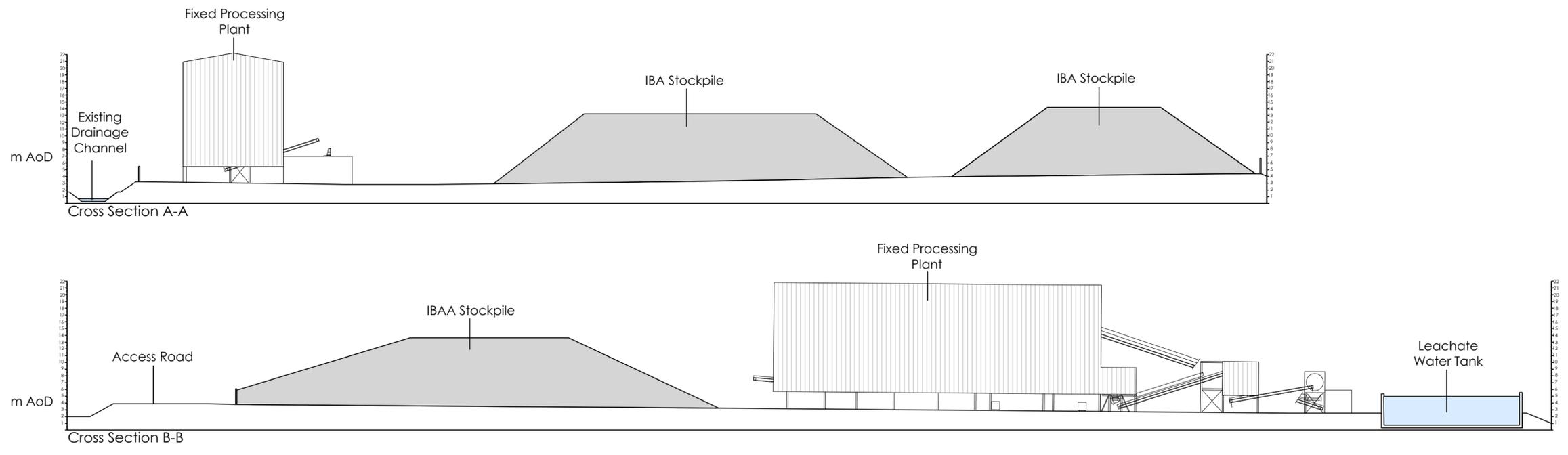
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-  Site Boundary
  -  Fix Plant Structure
  -  Concrete Pad
  -  IBA & IBAA Stockpiles
  -  Perimeter Retaining Wall
  -  Base Contours
  -  Water Storage Tank
  -  Perimeter Ditches /Channels



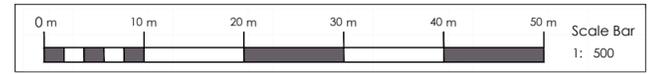
rev:	date:	details:
		
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client:	Fortis IBA Ltd	
project:	Ridham Dock	
title:	Proposed Development Plan	
scale:	date:	drawn by:
1:1000	23/10/19	SD
checked by:	AW	size:
A3		
Project ref:	dwg no:	rev:
119	119/16	-

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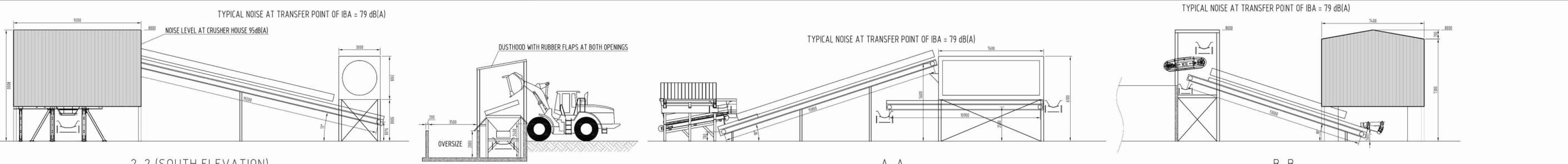


N.B. Main processing plant structures to be clad with galvanised metal sheet cladding with PVC coating (light grey in colour- RAL 7047 or similar)



rev: A	date: 16/12/19	details: SD notation and cross sections amended
		The Old Dairy Yanworth Cheltenham Gloucestershire GL54 3LQ tel: 01285 721072
client:	Fortis	
project:	Ridham Dock IBA Facility	
title:	IBA Processing Plant Detail	
scale: 1:500	date: 19/11/19	drawn by: SD
checked by: AW	date: A2	
project ref: 119	sheet no: 119/17	of: A

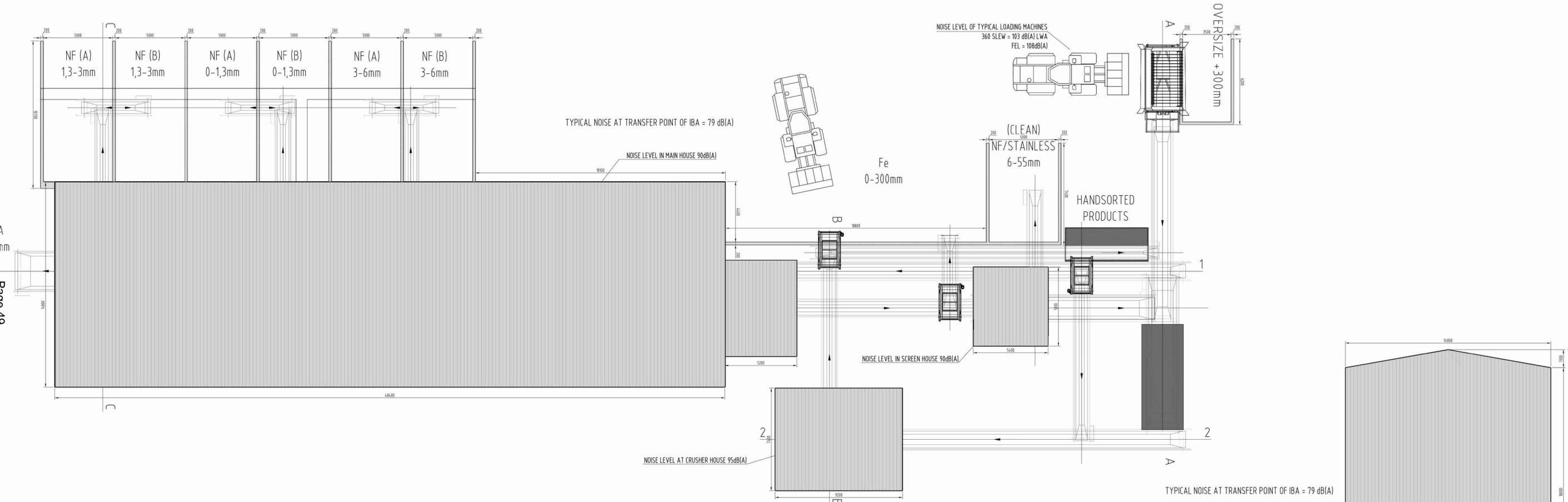
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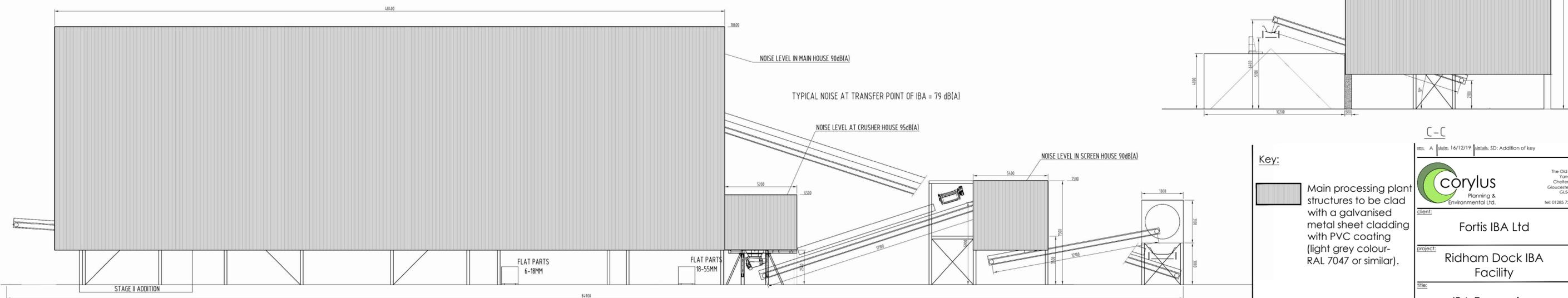
2-2 (SOUTH ELEVATION)

A-A

B-B



BAA  
55mm  
1  
Page 49



1-1 (SOUTH ELEVATION)

C-C

**Key:**  
 Main processing plant structures to be clad with a galvanised metal sheet cladding with PVC coating (light grey colour-RAL 7047 or similar).

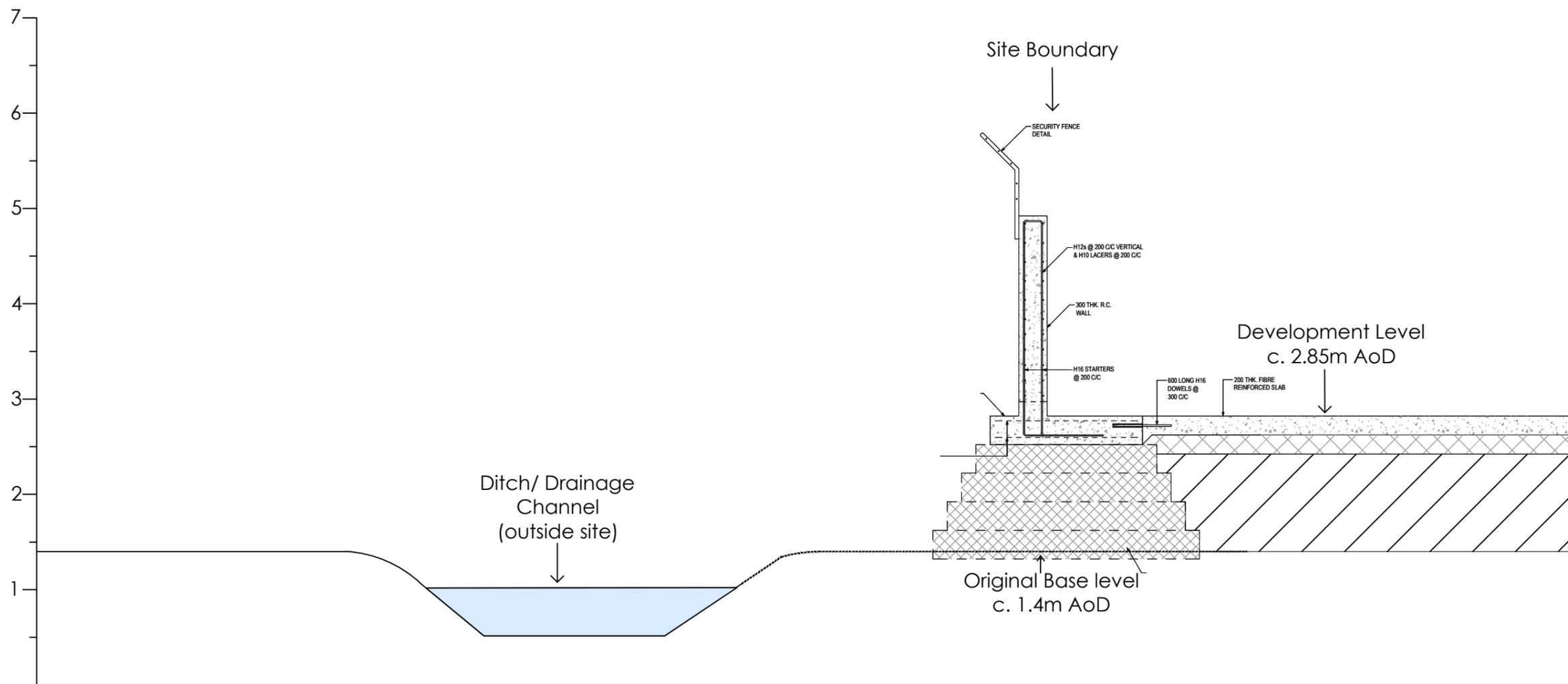


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project:	Ridham Dock IBA Facility		
title:	IBA Processing Plant Detail		

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project ref:	119	sheet no.:	119/18	date:		date:		date:	

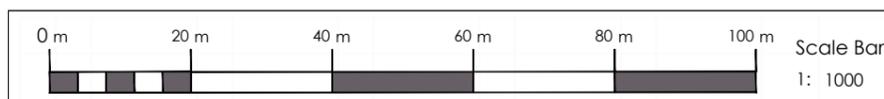
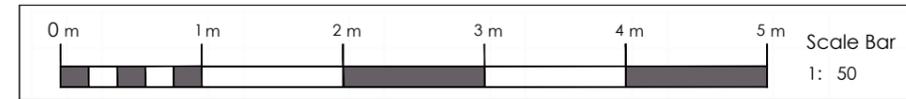
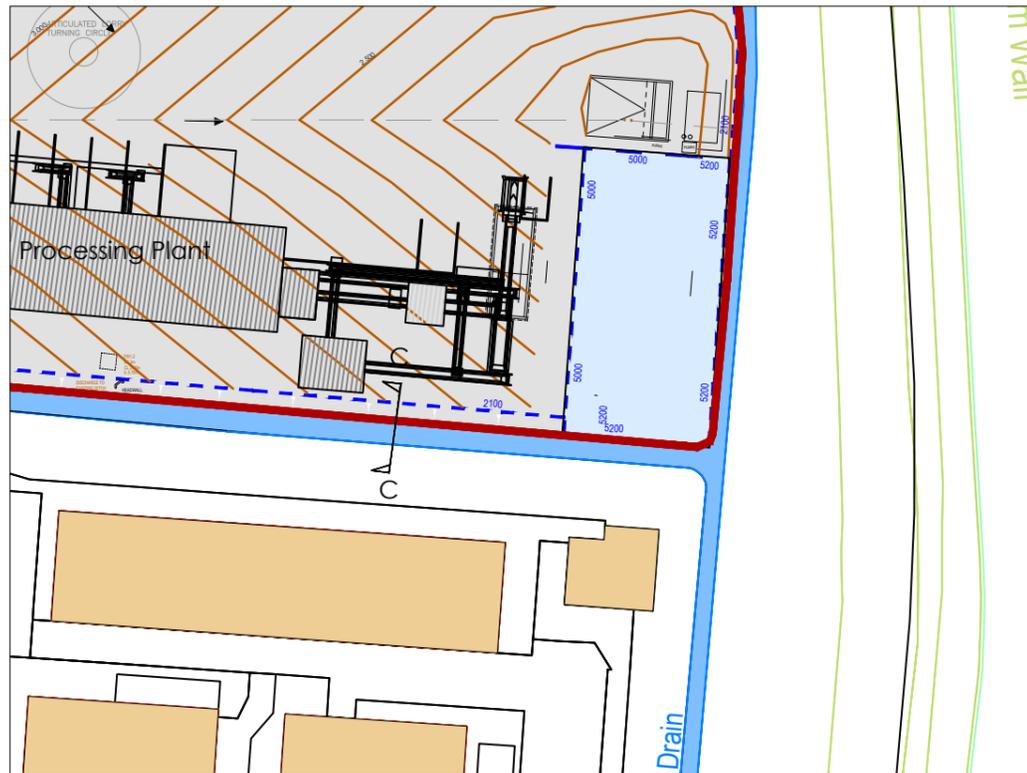


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Cross Section C-C

Page 51



rev: A | date: 02/12/19 | details: SD Amendment to cross sections shown and title

**corylus**  
 Planning & Environmental Ltd.  
 The Old Dairy  
 Yanworth  
 Cheltenham  
 Gloucestershire  
 GL54 3LQ  
 tel: 01285 721072

client: Fortis

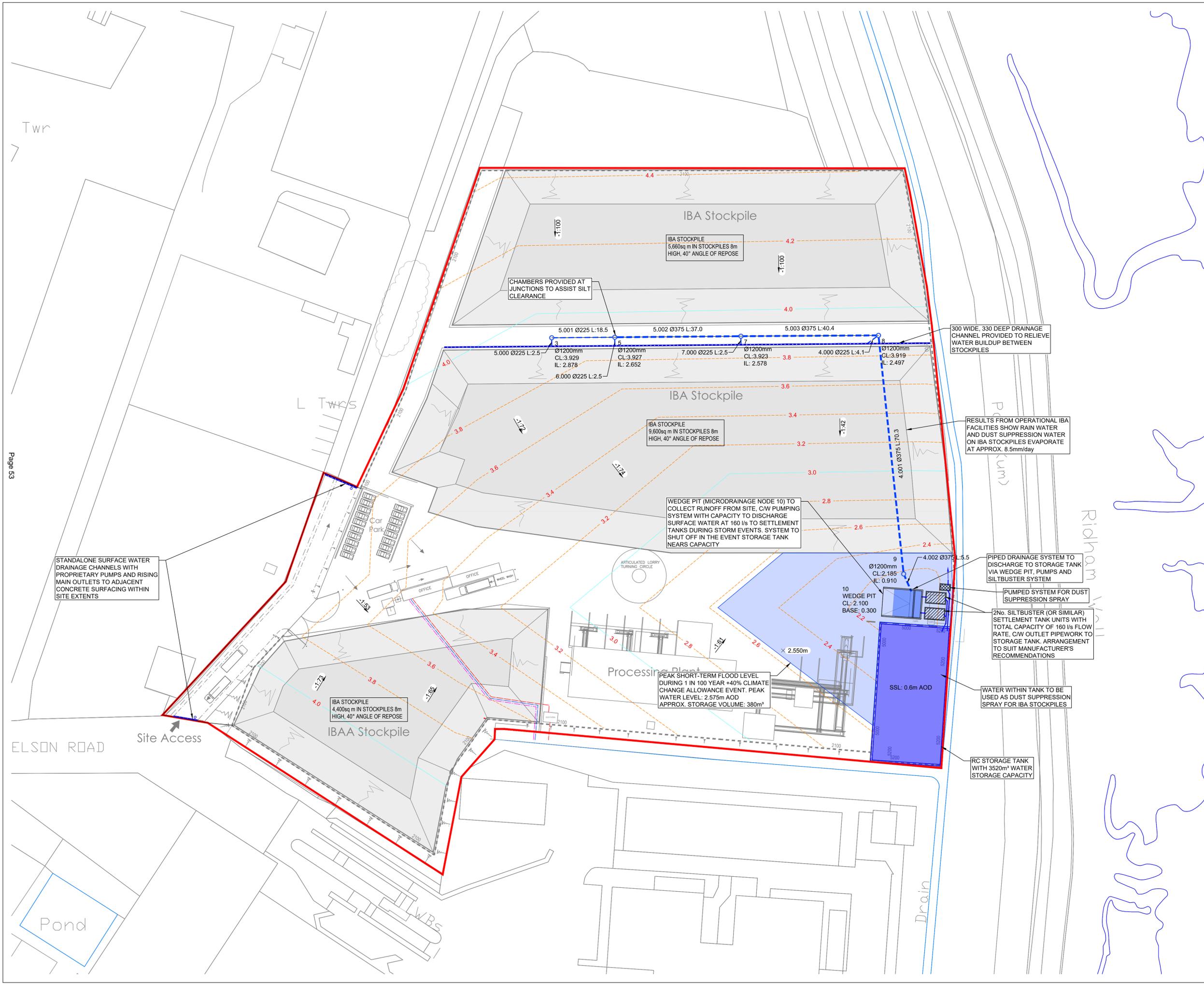
project: Ridham Dock IBA Facility

title: Cross Section Showing Typical Boundary Detail

scale: 1:50/ 1:1000	date: 26/11/19	drawn by: SD	checked by: AW	size: A3
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Project ref: 119	dwg no: 119/19	rev: A
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  4. SURFACE WATER DRAINAGE STRATEGY SHOWN IS DETAILED DESIGN FOR PLANNING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
  5. SURFACE WATER DRAINAGE STRATEGY DESIGN TO CONVEY AND STORE RUNOFF GENERATED BY RAINFALL EVENTS OF UP TO THE 1 IN 100 YEAR EVENT +40% CLIMATE CHANGE ALLOWANCE.
  6. CONTOURS SHOWN OUTLINE FINISHED FLOOR LEVELS AND NOT STOCKPILE LEVELS.

- KEY**
- SITE EXTENT
  - PROPOSED ACCESS ROAD/PRIVATE DIVEWAY
  - PROPOSED SURFACE WATER STORAGE TANK
  - PROPOSED SURFACE WATER DRAINAGE
  - PROPOSED SURFACE WATER CHANNELS

Received - 27 April 2020  
Planning Applications Group

A	DRAFT ISSUE	MC	KR	22.04.20
REV	DESCRIPTION	BY	CB	DATE



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Manchester, M5 3EJ  
T: 0161 786 8550 E: rpsgmr@rpsgroup.com

Client **FORTIS IBA**

Project **FORTIS IBA FACILITY  
RIDHAM**

Title **DETAILED DRAINAGE  
STRATEGY PLAN**

Status	Drawn By	PM/Checked by
FOR PLANNING	MC	KR
Project Number	Scale @ A1	Date Created
HLEF76708	1:500	22.04.2020
RPS Drawing / Figure Number	Rev	
D001	A	

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Unit Type ID	Count	Status	Mounting Height	Column Type	Column Material	Column Colour	Installation Type	Root Length	Mounting	Luminaire Tilt	Luminaire	Optic Setting	Output (klm)	Colour Temperature	Wattage	Luminaire Weight	Windage	Control Unit	Switching Unit	Isolator
A	2	Proposed column	8 metres	Stepped tubular	Galvanised steel	Not painted	Planted	Factory standard	Post top	0 degrees	Philips BGP615 Micro Luma	DM32	5.00	Neutral white	30W (20 no. LEDs)	7.6kg	0.049m²	Electronic ballast	Photo-electric cell	Tofoco DPI series
B	1	Proposed column	8 metres	Stepped tubular twin bracketed column	Galvanised steel	Not painted	Planted	Factory standard	Side entry	L1 = 0 degrees L2 = 5 degrees	L1 = Philips BGP615 Micro Luma L2 = Philips BGP621 Mini Luma	L1 = DM32 L2 = DX51	L1 = 5.00 L2 = 7.00	Neutral white	L1 = 30W (20 no. LEDs) L2 = 39W (40 no. LEDs)	L1 = 7.6kg L2 = 9.5kg	L1 = 0.049m² L2 = 0.055m²	Electronic ballast	Photo-electric cell	Tofoco DPI series
C	2	Proposed column	8 metres	Stepped tubular twin bracketed column	Galvanised steel	Not painted	Planted	Factory standard	Side entry	5 degrees	Philips BGP621 Mini Luma	DM32	7.00	Neutral white	39W (40 no. LEDs)	9.5kg	0.055m²	Electronic ballast	Photo-electric cell	Tofoco DPI series
D	4	Proposed column	8 metres	Stepped tubular	Galvanised steel	Not painted	Planted	Factory standard	Post top	5 degrees	Philips BGP621 Mini Luma	DX51	13.00	Neutral white	78W (40 no. LEDs)	9.5kg	0.055m²	Electronic ballast	Photo-electric cell	Tofoco DPI series
E	1	Proposed column	8 metres	Stepped tubular	Galvanised steel	Not painted	Planted	Factory standard	Post top	5 degrees	Philips BGP621 Mini Luma	DX10 BL2	13.00	Neutral white	78W (40 no. LEDs)	9.5kg	0.055m²	Electronic ballast	Photo-electric cell	Tofoco DPI series

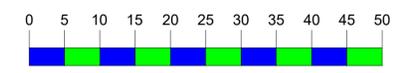
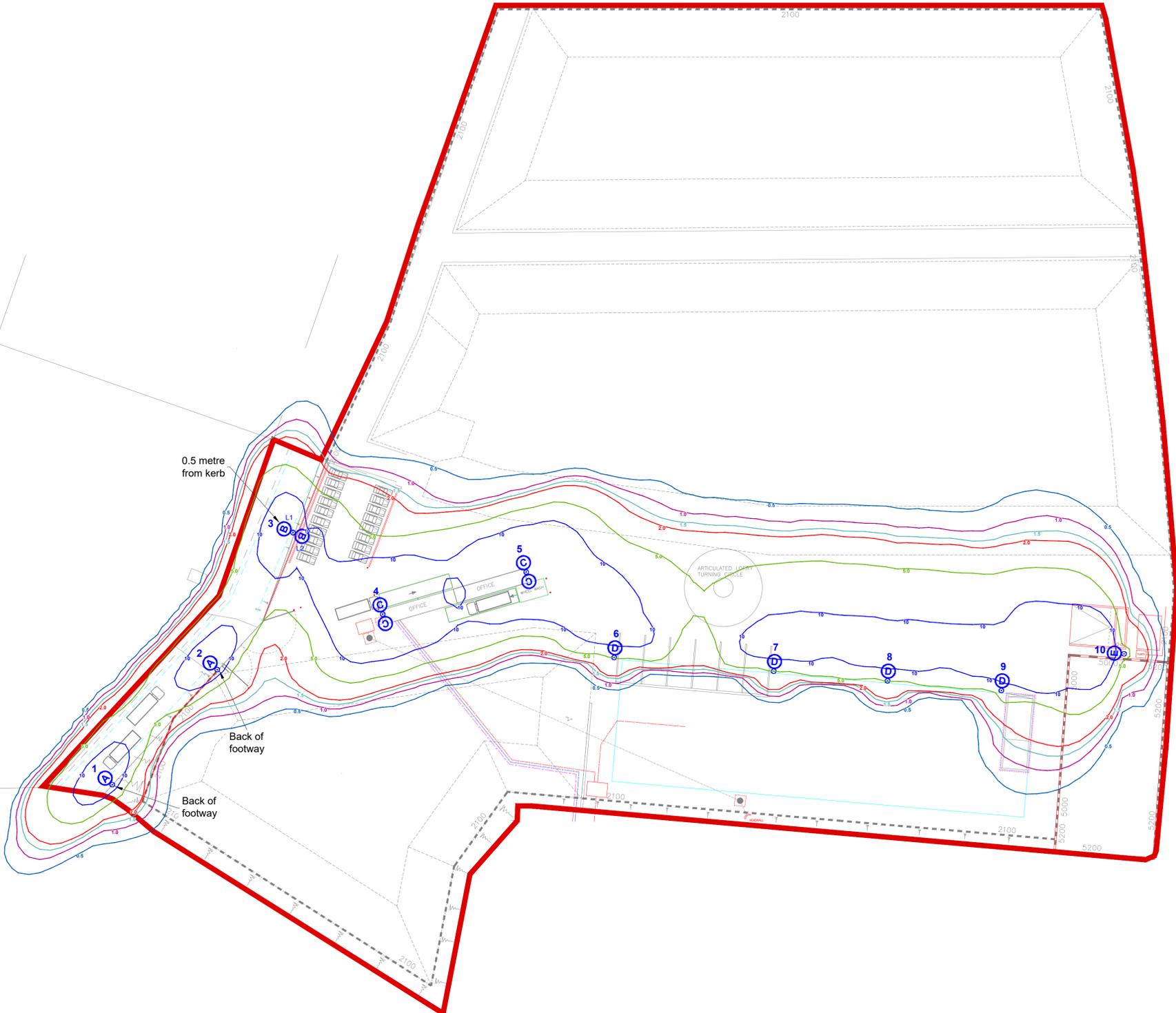
**Key**

ⓐ Proposed street lighting column (Unit Type ID displayed inside symbol. Unit reference number displayed outside symbol).

ⓑ Proposed street lighting column with bracket arm (Unit Type ID displayed inside symbol. Unit reference number displayed outside symbol).

Lighting levels			
Area	Average illuminance (lux)	Minimum illuminance (lux)	Overall uniformity
Access Road and footway	10.01	2.64	0.26
Compound	9.62	0.19	0.02

- Notes**
- ISO Lux Contours are measured in lux.
  - Do not scale from drawing if not printed at original paper size.
  - Contractor to confirm position of statutory undertakers plant before commencement of the works. For statutory undertaker's information visit [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk)
  - During works all traffic management to be in accordance with Chapter 8 of the Traffic Signs Manual.
  - Electrical supply to columns to be confirmed.
  - Columns to be numbered using adhesive labels suitable for exterior use. Letters and numerals shall be 50mm high black on a white background.
  - All apparatus are to be new at the time of installation and be supported by relevant manufacturer's guarantees.
  - All apparatus shall be sited so as to minimise, in so far as is reasonable and practical, nuisance, danger and obstruction to all residents, businesses and users of the highway.
  - All illuminated apparatus must be installed and tested in compliance with BS7671 at the time of adoption.
  - This detailed design has been prepared in accordance with the HEA-HEMSA guidance note - CDM2015 regulations, issue 1.1, dated 09/04/15 Procedure 3: information has been supplied by the client or another Designer or the Principal Designer which forms the basis of this lighting scheme design and includes the hazards identified by others on their hazard elimination and management list.



A	ORIGINAL ISSUE	17/03/20	MWG
REV	DESCRIPTION	DATE	BY

**sse Enterprise | Lighting**

SSE Enterprise - Lighting, 1st Floor, Solent Park, Walton Road, Portsmouth, PO6 1UJ

TITLE  
**EXTERNAL LIGHTING LAYOUT DRAWING**

PROJECT  
**IBA PLANT KEMSLEY KENT**

SCALE	DATE	17/03/20
<b>1:500 @ A1</b>	DRAWN	MWG
	CHECKED	-

PAPER SIZE	A1	APPROVED	-
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DRAWING NUMBER	<b>SSEdraft-LD-001</b>	REVISION	<b>A</b>
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED/REFUSED UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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

**Background Documents** - The deposited documents.

- MA/20/502817      The change of use from an existing industrial unit to form a Waste Treatment Facility, including the construction of both external and internal treatment plant, an internal packaging plant and other ancillary development.  
Elliott Environmental Drainage Ltd, St Michael's Close, Aylesford, Kent, ME20 7XE  
Decision: Permitted
- SE/19/1754      Section 73 application to vary condition 3 (to allow additional time for completion of landfill to enable restoration to approved levels) and 10 (a) (to update the phasing scheme to reflect the amended operational period) of planning permission SE/15/315.  
Greatness Quarry, Bat and Ball Road, Sevenoaks, Kent TN14 5BP  
Decision: Permitted
- SW/18/502827/R28      Details of a Noise Monitoring Scheme pursuant to Condition 28 of planning permission SW/18/502827 for the redevelopment of a waste management facility.  
East Kent Recycling, Site D, Oare Creek, Faversham, Kent, ME13 7TX  
Decision: Approved
- SW/18/502827/R47      Details of Landscaping Strategy, Planting Specification and Management Plan pursuant to Condition 47 of planning permission SW/18/502827 for the redevelopment of a waste management facility.  
East Kent Recycling, Site D, Oare Creek, Faversham, Kent, ME13 7TX  
Decision: Approved
- SW/18/502827/R53      Details of complaints procedure pursuant to condition (53) of planning permission SW/18/502827 for redevelopment of a waste management facility.  
East Kent Recycling, Site D, Oare Creek, Faversham, Kent, ME13 7TX  
Decision: Approved
- SW/20/500620      Full planning permission for use of the site as a Materials Recycling Facility (MRF), including the erection of an operations centre and maintenance workshop building and parking for 26 (HGV) vehicles for Shaw Haulage.  
Land South of Queenborough Business Park, Rushenden Road, Queenborough, Sheerness, Kent ME11 5DY  
Decision: Approved

- TM/98/1886/RVAR Details of revised restoration and aftercare pursuant to conditions 29, 37 & 40 of planning permission TM/98/1886.  
Wrotham Quarry, Addington, West Malling, Kent ME19 5DL  
Decision: Approved
- TM/00/552/RVAR Details of restoration and aftercare pursuant to Conditions 3, 38 & 43 of planning permission TM/00/552.  
Wrotham Quarry, Addington, West Malling, Kent ME19 5DL  
Decision: Approved
- TM/20/841 The proposed buttressing of existing quarry slopes with indigenous inert material; the importation, storage and use of additional material to supplement the buttressing works; the continued use of a raised stocking area; and the provision of a revised restoration concept.  
Wrotham Quarry, Addington, West Malling, Kent ME19 5DL  
Decision: Permitted
- TM/20/842 Planning Application to vary Condition 2 of Planning Permission TM/17/2091 to allow for an extension of the end date for restoration until July 2027 and for the approval of details pursuant to conditions (3), (5) and (44) to reflect changes to approved restoration and aftercare scheme and the location of the raised stocking area in the application to buttress existing quarry slopes (submitted simultaneously).  
Wrotham Quarry, Addington, West Malling, Kent ME19 5DL  
Decision: Permitted
- TM/20/1522 Section 73 application to amend conditions 4 & 6 of planning permission TM/02/3665 to allow the replacement of a noise bund with an acoustic fence.  
Holborough Quarry, Holborough Road, Snodland, Kent, ME6 5PH  
Decision: Permitted

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

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

**Background Documents** – The deposited documents.

- CA/19/1513/R7 Details of a School Travel Plan pursuant to Condition 7 of planning permission CA/19/1513.  
Simon Langton Grammar School For Girls, Old Dover Road, Canterbury, Kent CT1 3EW  
Decision: Approved

DA/20/1117	Erection of 2no. barrel vault free standing canopies to front elevation classrooms. Bean Primary School, School Lane, Bean, Dartford, Kent, DA2 8AW Decision: Permitted
DO/20/327/R6	Application under s74B T&CP Act 1990 for a change to the approved construction hours (condition 6) permitted under planning permission DO/20/327. Worth Primary School, Worth, Deal, Kent, CT14 0DF Decision: Approved
GR/17/0674/R31	Details of a Construction Management Strategy for Phase 2 pursuant to Condition 31 of planning permission GR/17/0674. St Georges Church of England School (Primary School Campus), Westcott Avenue, Gravesend, Kent DA11 7HP Decision: Approved
MA/19/503387/R20	Details of Photovoltaic Panels pursuant to Condition 20 of planning permission MA/19/503387. The Maplesden Noakes School, Buckland Road, Maidstone, Kent ME16 0TJ Decision: Approved
MA/20/500047	Construction of a new access road into Newnham Court Shopping Village and internal service road, highway improvements and alterations, associated new and replacement car parking, site compound area, installation and relocation of lighting columns, modification of the existing access into the shopping village, realignment of the existing drainage feature, removal and replacement tree planting and associated earthworks and landscape improvements. These works form part of wider highway improvements between Kent Medical Campus and the M20 J7 which do not form part of the application. Newnham Court Shopping Village, Bearsted Road, Weaving, Maidstone, Kent ME14 5LH Decision: Permitted
MA/20/501103/R4	Details of Construction Management Plan pursuant to Condition 4 of planning permission MA/20/501103. Park Way Primary School, South Park Road, Maidstone, Kent ME15 7AH Decision: Approved
TM/19/2964/R14(i)	Application for the discharge of Condition 14(i) (Archaeological Field Evaluation Works) pursuant to planning permission TM/19/2964. Land North of Platinum Way, St Mary's Platt, Sevenoaks, Kent TN15 8JE Decision: Approved
TM/19/2964/RVAR	Details of External Materials (Condition 3), details of a Sustainable Surface Water Drainage Scheme (Conditions 15 & 17) and details of a Construction Management Plan (Condition 20) pursuant to planning permission TM/19/2964. Land North of Platinum Way, St Mary's Platt, Sevenoaks, Kent TN15 8JE Decision: Approved

TW/18/2129/R

Non-material amendment to planning application TW/18/2129 to amend the external appearance of the building, relocation of bin store and cycle shelter, changes to paving, removal of DDA access ramp to stepped bridge, setting back of site boundary gates to control parking area and inclusion of swing barrier, and changes to dimension of external kitchen store.

St Gregory's Catholic School, Reynolds Lane, Tunbridge Wells, Kent, TN4 9XL

Decision: Approved

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

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#### **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/TM/0210/2020 - Section 73 application to vary conditions 1, 2, 17, 24 & 25 of planning permission TM/15/777 (the main site) to allow for revised sand extraction, new drainage and haul road configuration and restoration phasing timescales.  
Borough Green Sand Pits, Platt Industrial Estate, St Marys Platt, Borough Green, Kent, TN15 8JL

KCC/TM/0211/2020 - Section 73 application to vary conditions 3, 35 & 36 of planning permission TM/15/781 (the northern extension) to allow for revised sand extraction, new drainage and haul road configuration and restoration phasing timescales.  
Borough Green Sand Pits, Platt Industrial Estate, St Marys Platt, Borough Green, Kent, TN15 8JL

KCC/TM/0213/2020 - Section 73 application to vary conditions 37 & 38 of planning permission TM/17/1490 (the eastern extension) to allow for revised sand extraction, new drainage and haul road configuration and restoration phasing timescales.  
Borough Green Sand Pits, Platt Industrial Estate, St Marys Platt, Borough Green, Kent, TN15 8JL

KCC/TW/0234/2020 - A Section 73 application to vary condition 2 of planning permission TW/15/504981, as amended by TW/15/508499, TW/18/3830 and TW/19/1693, to alter the design and layout of the approved anaerobic digestion scheme.  
Knoxbridge Farm, Knoxbridge, Frittenden, Cranbrook, Kent TN17 2BT

- (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**

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- (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 9 December 2020.

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 Former Broke Hill Golf Course, Stonehouse Park, Sevenoaks Road, Halstead**

**Proposal - Outline application for residential development of up to 800 dwellings, incl. affordable housing units and self-build plots; up to 4.75 ha of retirement living; primary school hub with associated sports facilities/outdoor space; sports hub incl. rugby and hockey pitches with separate car park and clubhouse areas; 2 ha of commercial B1 use; local centre incl. commercial, retail & community facilities and undercroft car parking for Knockholt station; country park/ open space incl. landscaping, infrastructure & groundworks; with all matters reserved except for access**

County Council's response to Sevenoaks District Council on the above

##### **F2 Response to the Planning for the Future White Paper**

County Council's response to Ministry of Housing, Communities and Local Government on the above

##### **F3 Otham Parish Neighbourhood Plan 2020-2035 - Regulation 16 Consultation**

County Council's response to Maidstone Borough Council on the above

**F4 Boughton Aluph & Eastwell Parishes' Neighbourhood Plan 2013 to 2030 –  
Regulation 16 consultation**

County Council's response to Ashford Borough Council on the above

*Background documents: As set out in the reports.*



FAO Mark Mirams  
**Sevenoaks District Council**  
Council Offices  
Argyle Road  
Sevenoaks  
Kent  
TN13 1HG

**Highways and Transportation**

Ashford Highway Depot  
4 Javelin Way  
Ashford  
TN24 8AD

**Tel:** 03000 418181

**Date:** 2 November 2020

**Application - SE/19/02616/OUT**

**Location - Former Broke Hill Golf Course, Stonehouse Park, Sevenoaks Road Halstead Kent TN14 7HR**

**Proposal - Outline application for residential development of up to 800 dwellings, incl. affordable housing units and self-build plots; up to 4.75 ha of retirement living; primary school hub with associated sports facilities/outdoor space; sports hub incl. rugby and hockey pitches with separate car park and clubhouse areas; 2 ha of commercial B1 use; local centre incl. commercial, retail & community facilities and undercroft car parking for Knockholt station; country park/ open space incl. landscaping, infrastructure & groundworks; with all matters reserved except for access.**

Dear Mark

Thank you for consulting me on this planning application.

## **1. Introduction**

KCC Highways initially provided a review of the Transport Assessment submitted with SE/19/02616 on 28<sup>th</sup> November 2019 and requested additional information. Subsequently a Technical Note was provided in March 2020 and KCC provided additional comments dated 8 April 2020. The most recent consultation seeks to amend the application to provide a Special Educational Needs Specialist Resource provision as part of the new primary school and includes a new Technical Note 'Response to Highway Comments'.

I have considered Technical Note 41257-5501-25920 Response to Highway Comments dated September 2020 and my response is provided below:

## **2. Access**

Access to the site is shown on drawing number 41257/5501/002 rev. G. Two ghosted right turn lanes are proposed from Sevenoaks Road. The existing parking along the northern side of Sevenoaks Road is to be relocated to a car park within the site. This will allow for the right turn lanes and the footway/cycleway along London Road. Footways and cycleways continue into the development site on each access. It is recommended that where possible separate footways and cycle track is provided both into the site accesses and along the site frontage.

Visibility splays of 2.4m x 120m are provided at each access and this is acceptable.

Access for pedestrians/cyclists and emergency vehicles will also be provided onto Station Road.

The access arrangements require a road safety audit.

### **3. Walking and Cycling**

Pedestrian and cycle access to the station remains a concern. Drawing number 41257/5501/002 rev. G proposes a pedestrian/cycle refuge on the western side of the station access linking the footway/cycleway on the south side of London Road to a short length of footway on the northern side of London Road which continues into the station access road. This footway into the station appears narrow and no dimensions have been provided to demonstrate the width. It is unknown whether appropriate visibility is achievable for pedestrians crossing the station access road and this is a safety concern. There is also concern as to how cyclists will access the station from the site. A revised plan has previously been requested at 1:200 scale containing appropriate dimensions and visibility splays. Access for cyclists should be clarified. This detail remains outstanding.

A second option has been discussed with the applicant which provides a crossing point on the eastern side of the access. This would allow crossing of London Road from footway SR61. This would include a build out on the north side of the carriageway to assist crossing London Road and widening of the existing footway into the station access to 3m to allow a shared pedestrian/cycleway. Further consideration should be given to this option with additional details provided including tracking diagrams and a safety audit.

Footway and cycleway improvements along London Road/Sevenoaks Road between Stonehouse Lane and Shacklands Roundabout as shown in principle on Drawing number 46791/5501/011 are welcomed but should include suitable crossings of and cycle diversion of Shacklands Roundabout. All details subject to approval by KCC Highways.

Stage 1 Road Safety Audits are required for all works to the highway network including site access junctions and junction mitigation proposals. These have yet to be provided.

### **4. Public Transport**

The applicant proposes to either divert an existing bus service into the site or provide a new dedicated service between the site and Sevenoaks and / or Orpington during the morning and evening peak periods to supplement the 431 service. Access to reasonable public transport provision is a requirement of KCC highways. The principal of a new or diverted bus service is acceptable and should be a condition of any permission granted. The details surrounding the service can be agreed during the detailed stage.

Consideration should be also be given to an on-demand service.

### **5. Parking**

Parking provision has been agreed in principle; the residential and non-residential elements will be in line with IGN3 and SPG4 (respectively).

100 spaces are proposed for the rugby and hockey clubs which the clubs have advised is required to meet their operational needs and a parking accumulation assessment has been

provided which indicates that peak demand for parking would be in the region of 139 spaces, assuming all 8 pitches are in use at the same time. It is proposed to address the peaks in demand by allowing use of the under-croft car park on the weekends when commuter parking demand is reduced but sports parking demand is increased. It is agreed that this is a pragmatic solution to the parking issue and is considered acceptable in principle and should be appropriately conditioned.

A parking area is to be provided in the site to accommodate the displaced parking along London Road. A parking management strategy is needed for the new on-site car park and best endeavours to implement a TRO for parking restrictions along London Road.

Electric vehicle charging facilities should be provided with each residential unit with off-street parking fitted with a 7kw charging point. Provision should also be provided within the communal areas, employment areas and in the car park.

Cycle parking should be provided in line with SPG4.

## **6. Trip Generation and Distribution**

Trics has been used to estimate traffic generation for the residential development and offices proposed. This has been found acceptable. Committed development from Fort Halstead (application 15/00628) has been included and also the additional 300 homes at Fort Halstead as proposed in the draft Local Plan.

Additional scenarios are provided to allow new trip distribution iterations assuming 50% of development trips access Hewitt's Roundabout via the A21 signals and 100% of development trips access Hewitt's Roundabout via A21 assuming Wheatsheaf Hill is one-way southbound.

Crash data has been provided to include the A21/Sevenoaks Road junction and no particular problems are identified.

## **7. Junction Capacity**

A future year of 2035 has been assessed, reflecting the end of the emerging Sevenoaks District Local Plan period. The junctions have been modelled using industry standard software – Junctions 9 and LinSig, for the 2017 Observed and 2035 Base (where the junction currently exists) and 2035 With Development scenarios.

The two site access junctions, and the Wheatsheaf Hill / Cadlocks Hill / London Road junction are predicted to operate within capacity during the two future scenarios.

The A21/Sevenoaks Road has been modelled with traffic signals which are being proposed to address perceived safety concerns raised during public consultations. The proposed signalisation of the junction has been modelled assuming 100% of development traffic access Hewitt's Roundabout via the A21 and assuming Wheatsheaf Hill to be one-way southbound; this being the worst-case scenario for this junction. The modelling outputs have been reviewed by KCC traffic signal team and found to be acceptable.

KCC Traffic signals team point out that the signals would become the asset of TfL as the major road (A21) falls within their boundary whilst the minor arm (Sevenoaks Road) falls within Kent.

## **8. Wheatsheaf Hill**

KCC officers have previously raised concerns with narrow carriageways, sharp bends and lack of forward visibility along Wheatsheaf Hill. Further information is provided with regard to traffic movements along Wheatsheaf Hill and a one-way traffic working (southbound) is proposed.

This proposal is acceptable in principle and the applicant would need to pursue a 3<sup>rd</sup> party TRO in order that the scheme can be implemented. Should the TRO be unsuccessful highway improvements will be required to improve safety along Wheatsheaf Hill. This would include a shuttle working system on the narrow section to the south.

Drawings have previously been provided ref 41257-5501-018 showing an indicative scheme to mitigate the impact of the additional traffic generated by the development on the narrow rail bridge on Wheatsheaf Hill. As previously requested a safety audit is required this should be completed for the length of Wheatsheaf Hill between its junction with London Road and Hewitt's Road and to include the modification to the entry to the Hewitt's Roundabout.

## **9. A224 Shacklands Roundabout**

The A224 Shacklands Roundabout is predicted to operate over desired capacity on the A224 Orpington Bypass arm during the AM Peak in both the 2035 Base and 2035 With Development scenarios. A mitigation scheme has been proposed which is based on an increase of the entry width on the A224 Orpington Bypass arm through a reduction in the existing white lining. A Stage 1 Road Safety Audit is required for these proposals. The results of the 'With Mitigation' model show that the junction is predicted to operate within desired capacity during both peak periods. It is recommended that the improvements to the roundabout include for suitable crossings of and cycle diversion of the roundabout to allow safe routing for pedestrians and cyclists. All details subject to approval by KCC Highways.

## **10. Hewitt's Roundabout**

Hewitt's roundabout is predicted to operate over capacity in the future 2035 base year. The roundabout has been modelled using 2 scenarios:

- 100% of development traffic access Hewitt's Roundabout via Wheatsheaf Hill
- 50% of development traffic access Hewitt's roundabout via Wheatsheaf Hill and 50% use via the A21 (new signalised junction)

The results indicate that mitigation is needed, and improvements are shown in Drawing 41257-5501-024 rev A. The mitigation comprises of widening the approaches to the roundabout to increase capacity by adjusting the kerb lines.

With the mitigation in place the A224 arm of the roundabout remains significantly over capacity. Further widening should be included on this approach to increase the length of the two-lane approach in order to improve capacity and reduce queue lengths.

The Wheatsheaf Hill arm is widened to allow two exit lanes to the roundabout and this improvement mitigates the impact of the development. As previously requested a topographical survey and highway boundary drawing are required in respect of the proposed improvements to Wheatsheaf Hill in order to clarify that the proposals can be delivered.

A road safety audit has recently been provided which includes recommendations for which a designer's response is needed. The alterations to the A224 arm as suggested should be included in a safety audit.

## 11. Conclusion

Additional information is required, and this should include;

- Drawings showing separate footways and cycle track into the site accesses and along the site frontage.
- Pedestrian and cycle access to the station remains a concern and additional details are needed.
- Drawings showing suitable crossings of and cycle diversion of Shacklands Roundabout.
- Should the applicant's 3<sup>rd</sup> party TRO be unsuccessful, highway improvements will be required along Wheatsheaf Hill to improve safety. This would include a shuttle working system on the narrow section to the south. Drawings of the scheme are required.
- Further widening should be included on the A224 approach to Hewitt's Roundabout to increase the length of the two-lane approach in order to improve capacity and reduce queue lengths.
- Safety audits are required for all works within the highway

Once this information is received I can review and provide additional comments. Should you wish to discuss or need clarification on this review of the Technical Note, please do get in touch.

If the Planning Authority are minded to grant planning permission before this information has been provided and assessed, I ask that they contact me so that I may request suitable conditions.

**INFORMATIVE:** It is the responsibility of the applicant to ensure, before development commences, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours sincerely

Louise Rowlands  
Principal Transport & Development Planner

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**Ministry of Housing, Communities and Local Government  
Planning for the Future White Paper**

*August 2020*

**Introduction**

**A new vision for England's planning system**

Kent County Council (KCC) has recently responded to your Department's consultation on the revised 'Changes to the current planning system' consultation and recognises that the measures within both consultations share a common objective to accelerate housing delivery and deliver on the Government's commitment to deliver 300,000 houses a year.

This commitment must be delivered in a way that genuinely responds to local needs, so that residents, communities and businesses will all share the benefits of growth. The County Council agrees that the current systems for spatial planning and infrastructure funding have limitations and need reform, but it has strong concerns that some of the proposed White Paper reforms would be severely damaging to local communities, undermine local trust in the planning process and would not deliver sustainable growth. The County Council draws attention to three key themes that feature heavily in its response – 1) Taking an Infrastructure First approach to growth; 2) Working to a Net Zero future and 3) Empowering local communities – all vital components to get right in any major overhaul of the planning system.

Firstly, across the County, we already have ambitious plans for significant additional housing and commercial growth. As part of this, unlocking infrastructure is critical to achieving sustainable growth and creating new communities. The County Council promotes an "Infrastructure First" approach to development, to ensure that all infrastructure is phased, funded and delivered at the right time. Whilst the County Council supports the White Paper's commitment to deliver more infrastructure by capturing a greater share of the uplift in land value, it is critical that a new Infrastructure Levy mechanism must not be introduced until it has been fully demonstrated that it will deliver and equip strategic infrastructure providers with a fund that can be used to deliver infrastructure projects when they are needed, preventing the need for unsustainable increases in public borrowing and the deferment of critical projects. In addition, there must be a mechanism to enable proper strategic planning across wider geographies than district boundaries and the County Council is disappointed that the White Paper puts forward no alternative to replace the duty to cooperate.

Secondly, the County Council supports the Government's ambition to facilitate ambitious improvements in energy efficiency standards for buildings to help deliver its net-zero commitment by 2050. A net-zero carbon standard for new homes is essential and must be delivered without the need for later expensive retro-fitting. Responding to the climate emergency, eliminating poor air quality and supporting clean and sustainable economic growth must be embedded in all decisions for planning reform and will require a new level of standard setting and ambition that will need to be captured in planning for growth.

Lastly, but crucially - well-planned, sustainable and future-proofed growth cannot be delivered without the full involvement of local communities. The County Council is supportive of the government's ambitions to harness digital technology to move to a modernised, open data approach and to give communities a more meaningful voice in the future of their area. However, it is very concerned that the White Paper reforms proposed would actually have quite the opposite effect – by limiting the opportunities for residents to get involved, removing their role in influencing and shaping the detail of schemes and significantly reducing the important role of local councillors in representing their constituents, particularly at planning committees. The White Paper reforms risk threatening local democracy, with communities

losing their local voice to influence development. By front-loading community involvement to the Local Plan stage (and without clarity even on what this would look like), the reforms fail to recognise the important and positive roles that local community groups, parish and district councils play in shaping and influencing growth.

The County Council is keen to work with your department to ensure that any bold reforms equip local authorities and local communities with the necessary tools and mechanisms to support and accelerate balanced and sustainable growth.

### **Pillar One – Planning for development**

#### **1. What three words do you associate most with the planning system in England?**

Delivers  
Balanced  
Placemaking

#### **2. Do you get involved with planning decisions in your local area?**

*[Yes / No]*

The County Council is actively involved in planning across Kent as part of its statutory and non-statutory functions. It has a direct role in plan making for minerals and waste and a development management role for county council applications and waste and minerals developments. It is also a statutory consultee in respect of district Local Plans and development management processes across Kent and in ensuring the critical County Council infrastructure and services are delivered as part of growth.

As Local Highway Authority, the County Council is responsible for the maintenance of the local highway network, including Public Rights of Way, and seeks to ensure that planning decisions take account of the transport impact and mitigate accordingly.

As the Minerals and Waste Planning Authority and Waste Management Authority, KCC is responsible for strategic matters, including waste management capacity and mineral provision. The County Council produces a Minerals and Waste Local Plan to allocate land for future development.

As the Lead Local Flood Authority (LLFA), the County Council is responsible for preparing and maintaining a strategy for local flood risk management across the county, and to ensure that appropriate, multifunctional mitigation measures are designed into new developments.

The County Council is the Education Planning Authority and a Strategic Commissioner of Education Provision in Kent and has other responsibilities to provide a range of other vital community services, including for Youth, Health and Social Care, Gypsy and Travellers, Public Health, Libraries and Registrations.

#### **2(a). If no, why not?**

*[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]*

**3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?**

*[Social media / Online news / Newspaper / By post / Other – please specify]*

As a statutory consultee, the County Council would like to continue to be informed of consultations electronically.

**4. What are your top three priorities for planning in your local area?**

*[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]*

The County Council places great importance on the need to deliver growth that provides Kent residents with safe environments to grow up in, that promotes a good quality of life and that provides choice of and access to work and education. To ensure that the residents, communities and businesses of Kent are feeling the benefits of growth, it must be well planned and must contribute to enhancing the natural environment so that it can be enjoyed by residents and visitors. To help achieve this, the County Council would highlight the following matters as some of the key priorities for planning in Kent.

- ***Development supported by the necessary infrastructure:*** As a key infrastructure provider of vital community services across Kent, ensuring that all growth is supported by adequate facilities and services (including all the necessary community, environmental, economic and transport and waste infrastructure) to deliver robust and resilient communities, is a priority for the County Council. The County Council promotes an “Infrastructure First” approach to development, to ensure that all infrastructure is phased, funded and delivered at the right time – and ahead of housing growth, when appropriate. The importance of infrastructure delivery is crucial in supporting the quality of life for residents and so making developments more acceptable.
- ***Development is future-proofed, resilient and sustainable:*** The County Council wants to ensure that Kent’s existing and new communities are resilient; providing safe environments to raise children, enabling older and vulnerable residents the choice to live independently and allowing all residents to live in the home of their choice. Therefore, ensuring that development is fit for the future is a key priority for the County Council – whether it is in response to issues arising from the COVID-19 pandemic, or new and significant challenges arising from climate change. Environmental impacts, such as rising sea levels, could lead to greater chances of flooding and extreme weather could result in overheating in homes as well as issues resulting from colder temperatures – and so must be addressed in new development. Moving to a net-zero approach is crucial – and delivering on the ambition will require momentous and constant effort and action by all sectors and across all areas of life.
- ***Taking a strategic approach to development:*** The County Council has long advocated the role of strategic planning to secure balanced delivery of residential and employment growth. The County Council also strategically plans for the provision of minerals and waste facilities across Kent. Proper strategic planning across district and regional boundaries can support growth aspirations in the long term, whilst also delivering smaller scale growth in the medium term. The County Council considers that a strategic approach is a more sophisticated way to achieving sensible, needs

led housing targets, as well as delivering the required economic growth and local and strategic infrastructure that will be required to support development. As an example, enabling a shift towards sustainable modes of transport and low carbon travel, with transport infrastructure that provides opportunities to travel sustainably and reduce congestion in main conurbations, is crucial to delivering sustainable and resilient growth. Businesses, schools, health services and leisure industries all need the support of sustainable transport infrastructure - this often has to be considered at a strategic level and must be an integral consideration of any planning reforms.

**Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are Protected.**

**5. Do you agree that Local Plans should be simplified in line with our proposals?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

Whilst the County Council supports, in principle, measures to simplify the planning system, it is concerned that in fact there will be a lot more work required to be undertaken in the proposed land use plans than the White Paper anticipates. Details on how the new land categorisation will work are extremely limited and setting up this type of system with design codes will be very time consuming to do properly.

Moreover, whilst the White Paper focuses very heavily on housing, it does not refer in any depth to the many other factors that Local Plans cover – including the infrastructure needed to support growth and minerals and waste planning. Given that the National Planning Policy Framework (the Framework) requires Local Plans to address a range of issues which are essential in delivering good growth, it is not clear how much scope there is for significantly reducing the burden of evidence to inform Local Plans. It is not clear how economic development will be supported – including the delivery of necessary employment land or consideration of different types of local economies (including rural economies). It is vital that sufficient and resilient employment space is provided alongside residential development to ensure adequate and environmentally sustainable local job opportunities for new and existing residents.

There must be careful consideration of how streamlining Local Plans will work in practice; including the allocating of land into three categories, and the rules that will be applied. Crucially, government must show how its proposals will still enable local democracy to inform decisions on land allocations and how local residents will be mobilised to have a voice and to provide meaningful involvement in the Local Plan process. The proposed system will be very directive and quite inflexible. The proposed three-part land categorisation is too simplistic and rules-based and at the very least, it is very likely that more land categories would be required. As an example, there is little clarity as to which proposed planning zone mineral and waste matters will fall within and it is difficult to see how the zoning system as proposed would work for this type of planning. Furthermore, it is not clear who will be responsible or what the implications would be for minerals and waste planning. The County Council is the Local Planning Authority responsible for the preparation and review of the Mineral and Waste Local Plan, the determination of planning applications, the monitoring and associated enforcement of minerals and waste development and the consideration of mineral safeguarding both in Kent and impacts from decisions by neighbouring authorities. Clarity is requested as to how these functions will work within the proposed reformed planning system.

When introducing any form of fast-track system for development consent in Growth areas, it will be critical to ensure that there is adequate recognition and consideration of the constraints on development (such as surface water drainage, biodiversity, waste, minerals safeguarding and potential archaeological impacts). This leads the County Council to strongly question whether the proposed reforms will really result in a quicker, more streamlined process as thorough assessment of the development is still required. Instead, because of its prescriptive nature, it could end up being more complicated and slower. Some particular examples, primarily specific to County Council services, are provided below.

- **Surface water:** As Lead Local Flood Authority, the County Council is particularly concerned about the assessment of surface water flood risk. Consideration of flood risk must not be limited to fluvial and coastal flood risk. Surface water flood risk can be a major constraint to development and needs to be properly assessed before determining the capacity of any site to accommodate housing. To achieve this under the proposed land categorisations, there needs to be clear recognition that surface water flood risk is an important constraint.
- **Utilities:** Local Plans provide a clear plan for the provision of housing growth over a medium-term period. This provides evidence for infrastructure providers about the future growth needs, including location and scale for crucial infrastructure. Without this plan, utility providers such as gas, electricity, telecoms and water companies will not be able to effectively plan for growth. Utility provision is therefore likely to lag behind housing growth, leading to poor provision for new housing or poor services to the existing housing stock in the vicinity of new developments. This is particularly acute for water services (both water supply and wastewater) where local capacity is a product of the size of local pipes and pumps that are expensive to replace. Low water pressure and sewer flooding are likely consequences. Alternatively, utility providers will have to make speculative provision for new growth to prevent poor standards of service, which will be highly inefficient and costly to bill payers.

Additionally, the impact of sewage effluent on the natural environment has recently been highlighted. Where this is having a detrimental effect on designated sites it is creating a block on housing developments, including in Kent, under the Habitats Regulations and requires new developments to achieve technically complex and expensive nutrient neutrality. This is stalling the delivery of housing and, without broad cooperation across a range of stakeholders to deliver a sustainable solution, could sterilize areas to new developments.

Ultimately, if there is no remedy for this, the County Council questions that in order to prevent new housing suffering from poor services or if there is restriction on the number of new connections, the provision of new housing stock could end up being determined by the adequacy of utility provision and therefore companies become the determinants of housing growth locations. This may lead to a more sustainable national distribution of housing stock. However, if sustainable distribution is an objective, there are more efficient ways to deliver it. Similar issues will arise with the provision of other services if service providers cannot accurately plan for growth.

- **Biodiversity:** This proposed land categorisation does not appear to allow for site-specific biodiversity to be taken into account and suggests that areas outside of 'Protected' zones have no biodiversity value. If all areas were subject to a biodiversity audit, which could inform development requirements within the growth and renewal areas, this could be more acceptable, but would need to be appropriately funded.

- **Heritage:** The proposed categorisation of land into three categories does not recognise that the historic environment is all around rather than being neatly packaged as designated heritage assets. It also does not recognise that undesignated archaeological assets, in particular, may only be recognised following archaeological field evaluation and are often protected through the planning process, rather than by designation (See the Framework, paragraph 194, footnote 63).

Currently, archaeological evaluation often takes place after a planning application is submitted, but before it is determined. Any important archaeological remains identified can then usually be preserved within areas of public open space or similar before the design is finalised; occasionally, areas need to be excluded from the application to allow preservation. The proposed system would bring forward the need for this decision-making to the land allocation stage, which in principle is acceptable, but it is not clear who would pay for the archaeological evaluation (as, for most sites, there would not be a developer involved at this stage).

The text identifies the Netherlands as one country where the principles advocated in the consultation have been applied. It should be noted that to make the approach work, the Netherlands has introduced requirements that the UK lacks. Archaeological contractors are licensed, their standards are formally and objectively assessed. If they fail to maintain their quality, then the licence can be withdrawn. If the planning process is to be speeded up, with reduced pre-application intervention, then it is important that the contractors get things right first time. If they do not, then the heritage will suffer. Also, the developer pays a sum of money to the state which is the final 20% of their payment to the archaeological contractor. The state will pass it on once the final publication is issued. This produces near 100% completion of projects and prevents money being spent on other projects. This is not practiced in the UK at present but demonstrates the significant change that would be needed if the quality of life and environmental sustainability goals of the proposed reforms are to be met. *(As a separate example, in France, a tax on development is paid to the state to enable archaeological evaluation to be undertaken at the allocation stage).*

**Mineral Safeguarding-** This proposed land categorisation does not appear to allow for mineral safeguarding considerations to be taken account of. Safeguarding is a key component in the delivery of sustainable development and also ensures that minerals needed for construction are not, where necessary, built over or have access to extraction blocked by other development (and by also ensuring that safeguarding considerations are taken into account prior to the allocation of non-minerals developments, and where necessary ensuring that they are not built over or have access to extraction b). A reformed system needs to adequately address how safeguarding matters are to be addressed, particularly in growth areas. Such matters usually form an important part of current Duty to Cooperate discussions at plan making stage.

The County Council would note that judicial reviews can often result in a lengthy (and costly) delay, which is completely out of the local planning authorities' control. It is recognised that White Paper reforms seek to remove the risk of judicial reviews occurring through the creation of robust planning policies and law to reduce the scope for ambiguity and challenge.

Overall, whilst the proposed reforms are claimed to create a 'simpler, faster, people-focused system', there is a big shift in how community involvement will function and a heavy reliance on the use of technology to improve engagement. Public engagement would be focused on the start of the Local Plan process – reducing opportunities for the public to engage at later stages of planning. KCC is concerned that, whilst the intention is for it to be a people-focused system, this may not be the reality if the reforms are implemented. The Local Plan

proposals (together with the proposed streamlining of planning applications and various other reforms put forward) could risk undermining local democracy. The Local Plan consultation stages and the revisions to the development management processes must allow for elected members to represent the interests of their local residents and for planning committees to still have an important decision-making function, so as to provide the public with real opportunity to influence and shape proposals and places. The County Council's Planning Committee and its local knowledge and expertise plays a crucial role in representing the residents and interests of Kent in assessing and determining applications. This is a valued and important function that should not be lost in the reforms.

**Proposal 2: Development management policies established at national scale and an altered role for Local Plans.**

**6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

The County Council agrees there may be some benefit to setting out development management policies nationally to streamline the content of Local Plans. This approach could have benefits for certain policies by eliminating the need for repetition and it could work for topics where many policy requirements are repeated across local policy.

However, there must be flexibility and provision for local authorities to include policies on local issues and site-specific matters so as to not lose the local accountability of projects. The proposal could be amended to allow for local authorities to adapt or add policies, as necessary, to reflect local issues. This would provide for some streamlining but would also ensure that local characteristics can be taken into account to ensure the effectiveness of the development management policies.

The County Council, as Lead Local Flood Authority, has supported Defra in the review of Non-Statutory Technical Standards for Sustainable Drainage, which have direct implications on the design and delivery of drainage within new development. The County Council appreciates that these standards are to deliver consistency of design approaches on a strategic level. Topography and geologies, as well as flood risk, vary across the country and from site to site. The definition of the drainage solution for a specific site must respond to its own constraints. Therefore, whilst national guidance may set strategic objectives for surface water management, such as hierarchy of drainage destination, preference for surface water features and standards for flow rates and volumes or surface water, the specification of development requirements beyond this is inappropriate as local requirements must reflect local conditions.

National based policies may also present challenges in areas such as biodiversity, where assets can be very locally based. For example, national policies may not allow for regional and local biodiversity differences to be considered appropriately, and could lead to the loss of significant amounts of small areas of biodiversity importance for both species and habitats if they do not fit in to the national policy stance. Furthermore, in the case of Areas of Outstanding Natural Beauty (AONBs), it is appropriate for Local Plan policies to set out how development can comply with the test of conserving and enhancing, by identifying how this can be achieved relative to the protected landscape's specifically identified special characteristics - this will be challenging to apply through national policies.

**Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.**

**7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

The County Council supports the recognition within the White Paper to protect and enhance valuable habitats whilst speeding up the framework for assessing environmental impacts. It is recognised that the work in compiling Environmental Impact Assessments (EIA), Sustainability Appraisals (SA) and Strategic Environmental Assessments (SEA) is very work intensive and leads to very long reports and KCC would support consolidation where feasible, and the use of digitisation to make the information more accessible. The County Council also supports the intention to take advantage of opportunities for environmental improvements.

Nevertheless, whilst the intention to simplify the process of environmental assessment is supported in principle, it is difficult to comment on the proposal any further, as there is little detail of what the proposed sustainable development test would involve. Moreover, in reality, it is not clear how the evidence base would be simplified given the wide range of matters which the Framework requires plans to take into account. In practical terms, it is not yet clear what scope there is for significantly reducing the required evidence.

It is critical that effective tools are in place to allow for the proper assessment of impacts on the environment (as well as on the social and economic impacts) and to ensure that opportunities for environmental gain are secured. Plans will still be required to be developed for compliance with the Habitat Regulations.

An important example of the potential environmental impacts of development is at Stodmarsh National Nature Reserve; a key environmental feature of the county and country, which provides high quality habitat for a range of species and an important and highly regarded green space for residents. It is currently in an unfavourable condition due to poor water quality in the River Stour, largely due to discharges from sewage treatment works. Any further developments in the catchment could prevent the site from recovering from this unfavourable condition, unless they achieve nutrient neutrality. This could stall up to 50,000 homes across six Local Planning Authorities. Under current guidance, this issue can be dealt with through measures in the Local Plans, which could provide for treatment facilities to deliver nutrient neutrality and identify strategic opportunities to deliver this for a number of sites. Without an effective mechanism in place to coordinate this activity, developers would have to manage this and deliver the necessary infrastructure individually.

KCC awaits the consultation anticipated in the autumn to comment more fully on any further detail.

**7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

The County Council is very concerned that radical reforms of the planning system are being proposed without any clear plan of what arrangements would be put in place to replace the Duty to Cooperate. It is essential that there are robust arrangements in place to deal with

strategic issues including health, education, mineral planning, waste and transport infrastructure (and many other County services), and planning for major settlements, particularly when they straddle boundaries or dealing with unforeseen and unplanned for issues that affect a large area (the Stodmarsh Nature Reserve issues, raised in the response to Q7(a), being an example).

Whilst the Duty to Cooperate may not be a perfect mechanism, removing it without anything proposed to replace it will make the existing void even bigger. Strategically planning for growth is not just about making decisions on housing numbers or even delivering cross-boundary infrastructure. It is about integrating all the issues that are so essential in creating great places to live – whether this is the provision of roads and schools, incorporating measures that tackle air quality, water quality and climate change challenges or addressing investment confidence. It also has a key function in planning for and prioritising investment, especially given the evidenced large funding gaps for critical infrastructure.

A lot of key infrastructure and services is provided by the County Council and it will be crucial for satisfactory arrangements to be in place to deal with matters that cannot always be dealt with on a local scale. For instance, in its role as Local Highway Authority, KCC would emphasise that sustainable growth must be accompanied by major strategic infrastructure that will promote modal shift towards sustainable transport modes. There must be adequate sustainable transport infrastructure made available to support existing communities and visitors, and that of new developments and communities – encouraging a shift towards sustainable transport modes. This includes ensuring that employment sites are planned in highly accessible areas (with opportunities for active travel) supported by adequate sustainable infrastructure. This will also help to address the issue of traffic congestion and related negative impacts upon air quality and health for residents so that further growth will not exacerbate the issue. All of this requires cross boundary working between neighbouring county and district authorities and must be robustly addressed in any planning reforms.

The role for wider strategic planning is crucial to secure balanced delivery of residential and employment growth, as well as smaller projects and large-scale redevelopment across the county. The awaited Government devolution proposals will also be critical to understanding the role of strategic planning, and indeed, how many of the White Paper's reforms around land use planning will operate.

Notwithstanding the above, an important part of the strategic planning approach within Kent will be the Kent and Medway Infrastructure Proposition; a deal with Government for new infrastructure investment, which will enable housing delivery that is focussed on building the right homes in the right places and providing the infrastructure, jobs and homes that residents will need now and in the future. The County Council would like to see strategic planning being supported in the proposed reforms.

In respect of minerals and waste planning, it is worth noting that, whilst the Duty to Cooperate may have had mixed success in district plan making, it has been successful for the strategic planning of minerals and waste management. This may well be a reflection of the cross-border nature of these developments and the economic markets which they work within. Various alternative options specific to minerals and waste planning are suggested:

- Strengthening the Managed Aggregate Supply System (MASS) so there is more rigour around ensuring national aggregate requirements are understood in plans and Local Aggregate Assessments (LAAs – the annual snapshot of supply and demand) are delivering on national requirements

- Placing regional Waste Technical Advisory Boards such as the South East Waste Planning Advisory Group (SEWPAG – Cross County working group) on a statutory footing and providing funding to tackle key strategic issues including residual waste and hazardous waste
- Ensuring that identification of growth and renewal zones do not jeopardise existing waste and minerals infrastructure and take account of mineral safeguarding areas including wharves and rail heads
- So that minerals are not needlessly squandered, Mineral Safeguarding Areas should default to the category of protected zones with the same requirements for full planning applications i.e. development can come forward subject to a planning application demonstrating the impact on any economic minerals. The presumption of development associated with growth and renewal zones cannot apply in Mineral Safeguarding Areas.

It is also noted that the White Paper does, in places, appear at odds with other Government objectives. For example, the current consultation on the Waste Management Plan for England seeks cooperation across boundaries via the proposed to be abolished Duty to Cooperate. There is also no mention of Circular Waste Economy in the White Paper, which has a key role to play in delivering Net-Zero objectives from Government.

**Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.**

**8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

*[Yes / No / Not sure. Please provide supporting statement.]*

The proposed revision to the standard method put forward in the ‘Changes to the Existing Planning System’ consultation would not re-balance the way that housing would be distributed across the country. Significantly, there is concern that the diagnosis of the problem is incorrect – the County Council disagrees that the planning system is to blame for undersupply of houses. Local authorities do not build homes and there is a much bigger issue that planning permissions are not being converted into houses. It is also worthy of note that the decline of local authority housebuilding has had a big impact on housing supply – and more attention should instead be given to incentivising policies for local authorities to build again. It has not addressed renewal and infrastructure needs in northern English authorities and would result in highly constrained authorities in the South East having big increases in their housing need figures. Across Kent, there has already been a significant level of growth and the proposed increase in housing figures for Kent is unrealistic. KCC maintains its objection to such a mechanistic approach for calculating housing numbers.

It is understood that the proposed formula would be used in informing a new housing requirement, although it is not clear how this would work. There are no details to explain how a nationally set requirement would take into account a range of very locally specific constraints. The County Council seriously questions how a nationally set formula could adequately address local circumstances in a robust way when there are so many locally specific constraints and opportunities that would need to be factored in.

Furthermore, there is concern that the provision for local employment space would end up being sacrificed to deliver such high housing requirements, which would put at risk the ability to create balanced and sustainable communities.

Given the above points and in the absence of any proper details, the County Council does not support a standard method for introducing housing requirements. It would also highlight that ultimately land supply is not the issue when housebuilders decide whether to build or not in an area and allocating more sites will not necessarily result in more homes being built.

**8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**

*[Yes / No / Not sure. Please provide supporting statement.]*

The County Council is committed to ensuring that all Kent residents should have an opportunity to live in good quality and affordable housing and recognises its key role in its wide range of responsibilities and close working with other authorities to achieve this. However, the use of affordability in the housing need formula proposed in the 'Changes to the Existing Planning System' consultation has produced an unrealistic and unbalanced distribution of growth between regions in the north and south of the country. The County Council raised considerable concerns in respect of the proposed use of the affordability index for determining housing need.

**Proposal 5: Areas identified as *Growth* areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.**

**9(a). Do you agree that there should be automatic outline permission for areas for substantial development (areas) with faster routes for detailed consent?**

*[Yes / No / Not sure. Please provide supporting statement.]*

When determining an outline planning application, the Local Planning Authority has to consider all implications of the proposed scheme. This can involve a range of factors which are not necessarily straightforward or quick to resolve and may require detailed engagement with consultees. As a statutory consultee and infrastructure provider of vital community services, the County Council would therefore play an important role in assessing various aspects of outline permissions.

The particular considerations will depend upon the circumstances of the site and the proposal. They may include matters such as infrastructure requirements (including green and blue infrastructure), required mitigation and environmental and protection matters (including adverse impacts such as land contamination or stability). The County Council would emphasise that these are not matters of detail that can be dealt with as reserved matters stage, but need to be resolved upfront, in establishing the principle of whether to grant outline permission. Assessing outline permission for areas for substantial growth areas are therefore likely to entail substantial work, cost and time and it is not clear how this would all be captured within the proposed timeframes and anticipated resource implications for preparing Local Plans. KCC provides some specific technical comments in respect of its individual infrastructure provision below:

- **Highways and transportation:** The County Council, as Local Highway Authority, would - in principle - be supportive of this approach provided that there is sufficient time and resource given to assessing the development impact at Local Plan stages to ensure it does not cause inherent congestion or safety issues on the highway network. The County Council requests further clarity on what would be established as part of this outline permission (access etc.) as each development granted under this route would require specific parameters built into any consent.
- **Minerals and Waste:** The County Council, as Minerals and Waste Planning Authority, is concerned about the impact this proposal will have on minerals and waste safeguarding. The County Council is generally concerned with the lack of consideration of minerals and waste development throughout this White Paper but in respect of this proposal, KCC is seeking clarity that safeguarding will be considered at the earliest of stages to ensure there is no impact on the supply of necessary minerals across the Country.
- **Surface water:** The County Council notes that “areas of flood risk would be excluded from this category (as would other important constraints), unless any risk can be fully mitigated.” The County Council, as Lead Local Flood Authority, would highlight that the provision of adequate and appropriate surface water management within a development site (so as to not create flood risk onsite or off-site) may be focused on the surface water generated from the site itself, and may not be a reflection of any fluvial risk. Making space for surface water within a masterplan may significantly reduce available development area and associated dwelling numbers which may be accommodated. Therefore, the County Council would welcome clarity as to when this matter will be addressed for this type of consent.
- **Biodiversity:** The County Council is concerned that it will become solely the local planning authority’s responsibility to assess and understand the ecological interest of area, with minimal involvement from the development industry that is likely to be responsible for implementing any measures.
- **Heritage Conservation:** The County Council is concerned with the level and timing the evaluation and assessment of archaeological impacts and considers that heritage must be addressed at the earliest point in the planning system. There should be appropriate consideration of archaeology prior to the allocation of a development site to understand if the preservation in situ of important archaeological remains is an appropriate course of mitigation. There needs to be a field investigation of any proposed site at the earliest stages to fully appreciate if archaeology is present on site and if there is, the local, national and international significance of any finds. The delaying of any investigation on site could cause costly delays to the delivery of new homes as mitigation is then sought, potentially impacting the number of homes expected to be delivered from the site. The County Council would also question the potential for archaeological impacts and required mitigation to be factored in to any land price negotiations to further ensure that the cost of mitigation does not impact the level of available spent for other necessary infrastructure or affordable housing. It is also emphasised that this issue does not relate solely to archaeological matters.

**9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

The White Paper proposes that Renewal areas should be subject to “a general presumption in favour of development”. It is not clear what this mean in practice, nor what Renewal areas might include. The County Council’s overall concern is the impact that these proposals may have on the delivery of infrastructure to support sustainable development.

In addition, it is not clear how open space and green space such as parks, playing fields, schools and allotments, would be categorised. If they were located in Renewal areas, and therefore under a presumption in favour of development, the County Council is concerned that this valuable resource may be lost. Such areas are very important to the general health and well-being of communities and will need to be retained.

The White Paper suggests that conservation areas would be included within Protected areas. However, large parts of many town centres that may also provide good growth opportunities are within Conservation Areas. The County Council requests clarity on how Conservation Areas will be considered under the proposed planning reforms and how any indirect impacts on Conservation Areas will be managed.

There is also a concern that the categorisation of three types of land also does not recognise the potential of the historic environment as a positive driver of growth. The term 'Renewal' implies there is something wrong that needs to be improved upon, whilst 'Protection' suggests a stagnation and burdensome regime designed to inhibit change in these areas, rather than to facilitate it. At present, a significance-led approach is taken to protect the historic environment. This allows the historic environment to be used to help create well-designed places by protecting what makes them special, whilst allowing new development that is sympathetic and well-designed.

There are many areas suitable for redevelopment within Conservation Areas and the allocating land as Protected should not act as a disincentive to investment in these areas. Many such places are currently Heritage Action Zones to help preserve their heritage, unlock their potential and improve their condition. Any new system should allow Local Planning Authorities to allocate specific sites within conservation areas for 'Renewal' with strict design briefs and masterplans setting out what would be acceptable uses for sites in need of regeneration. These should describe the site's significance, which heritage assets should be preserved and which features are ripe for removal. It should also identify any archaeological potential or building recording required. This would give everyone clarity and de-risk investment decisions.

There will need to be clarity on the many anomalies and so the County Council would welcome further opportunities to consider how this land categorisation would operate once more details are provided.

**9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**

*[Yes / **No** / Not sure. Please provide supporting statement.]*

No. The County Council considers that local planning authorities should be the decision-making authorities.

**Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology**

**10. Do you agree with our proposals to make decision-making faster and more certain?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

**Digitisation of applications:** The County Council welcomes further focus on the digitalisation and data surrounding planning, provided there is the necessary training, funding and resource to support this approach. Data sharing on a local and national scale could have positive benefits, including improving the quality of schemes coming forward. The development of innovative and accessible digital platforms for planning applications data is also supported, provided that continual review mechanisms are built in to ensure the data is up to date and accurate, to provide a robust basis in which to prepare and determine applications against. The County Council would raise the need to ensure that the digitalisation of the planning system does not impact on accessibility at all stages, especially relating to harder to reach groups who must be provided the same opportunities to engage with the planning system. Engagement should be accessible at all stages of the planning process, offering genuine opportunities to engage throughout – even at later stages.

To assist in the preparation of planning applications and decision making, the Historic Environment Record should be made more widely available, as part of the digitalisation and data approach of the planning system. This could ensure that heritage issues are considered at relevant stages of the design of a new development. There is however a cost to the maintenance of this data which would have to be considered.

**Application determination deadlines:** In principle, the County Council supports efforts to make decision-making faster and more certain, but this must not be at the expense of making sound quality decisions or meaningful public engagement. There is significant doubt as to whether inflexible deadlines are the answer, especially when there are complex issues to be resolved and particularly when both the local authority and developer are in agreement that an extension would be beneficial and necessary to securing a consent.

The current process allows for key stakeholders and the public to make representations and this helps to inform decisions at all stages of the planning process. There is a danger that by restricting the timeframe in which to properly consider a planning application (i.e. by not allowing extensions in determination), decisions may not be well informed or based on robust evidence. For instance, if a transport model needs to be built to test the off-site impacts of a large scale development or a new scheme designed and safety audited, this could not be accommodated within the deadline -despite being a crucial part of the decision making process. Planning Performance Agreements are not mentioned in the White Paper. These are extremely valuable in the determination process; enabling mutually agreed terms, resource and timeframes.

**Delegation to officers:** The paper states that Government will consider the most effective means for neighbours and other interested parties to address any issues of concern where the principle of development has been established, leaving only detailed matters to be resolved. However, it does not provide the detail to illustrate how this would be done. The reforms would be damaging to local democracy and public accountability of the planning process by reducing the opportunities for the public to engage with the planning process by significantly removing the responsibilities of planning committees and opportunities for the public, town and parish councils and local groups to engage. The proposal to provide

applicants an automatic rebate of their planning application fee if they are successful at appeal (having been refused consent by a planning committee) is not supported as it would introduce financial pressures linked to decision-making.

**Shorter standardised planning applications:** It is crucial for the County Council to have assurance that applicants can be required to provide the necessary information to allow for the proper consideration of the impact of development and what infrastructure is required to support it. Whilst there could be merit in reducing and standardising supporting documents, to a degree, there is a risk that robust decision-making could be at risk if the right information is not made available to the necessary parties at right time. Therefore, the County Council does have serious reservations about this proposal. Planning Committees, as well as the public (including town and parish councils and local community groups) must be provided with adequate information in order to understand, assess and make a judgment on proposals.

As an example, the County Council is particularly concerned about for the potential shortening of evidence to support minerals and waste applications. This is likely to have a greater impact upon mineral and waste development as these types of projects frequently require a significant level of evidence to satisfy, Planning Committee and local community concerns. This must be taken into account within the planning reforms.

The use of templates by LLFAs has proven a positive complement to drainage submissions. The County Council stresses the need for robust standardised documents to be developed in consultation with relevant expertise to ensure their effective use.

**Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.**

#### **11. Do you agree with our proposals for accessible, web-based Local Plans?**

The County Council is supportive of a move to a more visual map-based approach to Local Plans that embraces the latest technologies, provided that appropriate tools and resources are provided to facilitate this approach.

It will need to be demonstrated that a far more heavily digitised process does not further diminish the voices of those already disadvantaged or marginalised, including those with certain Protected Characteristics. Consideration must also be had for people who will struggle to engage digitally or choose not to participate in online social networks or who do not have access to the most up-to-date smart phone technology.

As climate change and population growth intensifies, it is vital that the planning system acknowledges resilience and emergency planning principles and ensures new communities design out risk through their siting, layout and construction. A map-based approach could usefully also identify local risks and vulnerabilities (such as reservoir inundation, Major Accident Hazard Pipelines and other utility networks, Air Quality Management Areas, offsite detailed emergency planning zones for industrial and defence facilities and industrial offsite impacts) to improve considerations for emergency planning.

There could also be opportunities to increase accessibility of background research. An example of this is the archaeological research carried out as part of the planning process. At

present, this information is challenging for communities and developers to access and understand easily.

**Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.**

**12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**

*[Yes / No / Not sure. Please provide supporting statement.]*

The County Council, as a plan-making authority for minerals and waste, considers the proposed timescale as very optimistic. In its role as a statutory consultee on Local Plans, the timescale and the limited level of detail required could also severely disadvantage the County Council (and other statutory consultees) in providing evidence of infrastructure needs and requirements, as well as any opportunities and constraints which should be considered through the local plan process.

Although KCC does agree that there could be scope to streamline the plan preparation process, there is concern that setting an arbitrary timetable in this way could affect the quality of Local Plans, as well as the quality of community engagement, and would also overlook the time it can take to resolve matters that are sometimes outside a local authority's control. Furthermore, the proposed emphasis on community engagement at plan making stage is likely to increase timescales further.

Fundamentally, the Local Plan will identify what growth will be delivered over the next 20-year period and this will have a significant impact on people's lives. This is so important. The people and businesses of Kent need Local Plans that have been carefully considered and based on evidence; not rushed through. The existing system does allow for careful and full consideration and assessment of all impacts of proposed development allocations and enables thorough consultation with key stakeholders and the public. This is essential in ensuring that development includes the right infrastructure and services needed to make the development successful and attractive, without causing undue harm to the surrounding area. It is really important that this is not lost in measures to streamline.

In particular, the current 'regulation 18' consultation stage of a Local Plan (which is proposed to be removed from the process) is a really useful stage for the County Council as a statutory consultee, as it allows for the early identification of issues and options whilst there is still time to resolve any critical matters and inform the overall growth strategy for a district.

The County Council would suggest that a statutory duty to adopt a plan by a specified date or within a specific timescale should not be introduced unless the Plan has demonstrated conclusively the measures will be in place to make this achievable.

**Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools**

**13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

*[Yes / No / Not sure. Please provide supporting statement.]*

Across Kent, there has been a significant take up in the production and adoption of Neighbourhood Plans. They are important in ensuring new development is rooted in local distinctiveness and offering opportunities for local residents to shape future development in their area and tailor it to local area circumstances and needs. They provide a very useful tool in local planning in allowing local people to be directly involved in the planning of the local area, driving suitable development whilst also gaining an appreciation of the balances in growth required to deliver sustainable development. They are often developed following extensive public consultation with the local community and provide comprehensive detail on a very local level.

Neighbourhood Plans are therefore an important tool in policy planning that provide communities with the opportunity to shape future development in their local area and so their retention in the reformed planning system is supported. However, it is not clear what place Neighbourhood Plans would have in the proposed reformed systems and where they would fit in with categorisation policies and design codes. It will be important to ensure that their function is not diminished or limited to matters of design, following the implementation of any land categorisation proposals.

Town, parish and district councils, neighbourhood planning groups and other local bodies play a vital role in the planning process - offering unique, localised perspectives on the challenges and opportunities within a local area, as well as an appreciation and understanding of local characteristics and this role must not be lost in any planning reforms.

**13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

The neighbourhood planning process can be time consuming and costly to produce a sound Neighbourhood Plan, with the process largely dependent on the goodwill of volunteers. There should be adequate resources, funding and support made available to boost the move towards a more digitalised approach to planning on a neighbourhood level. There will be considerable expertise required to make this transition and neighbourhood planning groups may require support to ensure their plans remain effective and accessible.

**Proposal 10: A stronger emphasis on build out through planning**

**14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

There are very few details to comment on under this proposal, but the County Council would like to work with Government as possible options emerge following the Government's formal response to the recommendations set out in the Independent Review of Build Out Rates produced by the Rt. Hon. Sir Oliver Letwin, and particularly those relating to how to maximise land value capture through the diversity of homes delivered on large sites. Measures to speed up the build out of developments will only be acceptable if they are supported by timely adequate infrastructure and do not compromise the delivery of truly sustainable places.

The proposal that substantial development sites will be brought forward by different builders (to allow more phases to come forward together) could be supported, but further clarity is required as to how this would work. There are many complex factors that need to be taken into account including the location of access points, land constraints, phasing and construction management to ensure that the division itself ends up being a very protracted process.

The sub-division of sites must not result in any impact on infrastructure delivery. Large scale development is often able to provide a significant level of infrastructure that can support the new community without compromising on existing infrastructure. Under this proposed reform, the obligations regarding infrastructure provision and contributions would have to be shared fairly between each housebuilder and planned strategically. It would require a clearly defined role to ensure the correct timings of infrastructure delivery across the development and would need to clearly define the role for equalisation agreements to ensure all parties have a reasonable share on the delivery of mitigation and infrastructure requirements.

## **Pillar Two – Planning for beautiful and sustainable places**

### **15. What do you think about the design of new development that has happened recently in your area?**

*[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / **Other – please specify**]*

The County Council welcomes the importance given in the White Paper of planning for beautiful and sustainable places. KCC would emphasise that high quality design is more than just aesthetics - development must be well connected, resilient and responsive to climate change and incorporate green, sustainable, and multifunctional infrastructure that contributes to health and physical and mental wellbeing. Across Kent, there are exemplary placemaking examples of residential, non-residential and mixed-use schemes that have been designed to a very high standard and successfully delivered. In respect of its own services and infrastructure, the County Council would like to highlight a number of key design and place making considerations that have arisen from new development and which should be captured in the new reforms and particularly in the use of design codes.

***Incorporating sustainable transport options:*** The County Council continues to face significant pressure in delivering adequate transport infrastructure to meet planned needs, whilst also promoting more sustainable transport options, including active travel and rail. Any revisions to the planning system must ensure that sustainable and accessible transport options are central to the design of new development.

***Integrating public rights of way:*** Often, public rights of way (PRoW) are poorly integrated within the design of new development sites. This matter could be easily addressed by ensuring that developers adhere to good design principles, accommodating paths within attractive green corridors and engaging with the Local Highway Authority at an early stage of the planning process to consider the design and layout of PRoW. Opportunities have been missed to upgrade paths, improve wider PRoW network connectivity to boost active travel and increase access for cyclists and equestrians. Planning reforms must consider the strategic nature of the delivery of sustainable infrastructure, ensuring the connectivity between existing and new communities.

***Incorporating useable green space:*** New developments may be fulfilling Local Plan requirements to dedicate a percentage of the site as open green space, but it is notable how many verges and green edges are included in this calculation. In reality, the amount of usable open green space found within new development layouts is small and inadequate for public needs. Even more apparent when reflecting on recent lockdown events, the benefits of accessible public open green spaces are clear, yet new development does not appear to be providing sufficient levels of this resource. Reforms must consider the natural environment, as well as the built environment to ensure that this key resource is able to meet evolving demands and provide suitable recreation and open spaces. These are vital for physical and emotional wellbeing, particularly during times of uncertainty.

***Incorporating SuDS:*** KCC promotes a sustainable drainage approach in all new developments. Unfortunately, drainage provision is often considered late in the planning process and many opportunities for maximising design outcomes are lost or not acted upon. Additionally, surface water drainage provision may be impacted by adoption options. As a consequence, new developments often contain surface water drainage systems that are poorly designed and built, and planning reforms should seek to tackle this.

***Farm diversification:*** Farm diversification (including converting existing/redundant buildings, developing new buildings for holiday let purposes or the recent growth of new

Winery businesses) can often create well-designed businesses with market appeal. Diversification projects that are more processing/manufacturing based will tend to be more utilitarian in design and many of these could be designed in a more sympathetic manner better to fit the local landscape. Planning reforms will need to appropriately consider the constraints and opportunities of the rural economy in terms of both design and productivity.

**16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

*[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / **Other – please specify]***

The County Council's priorities for sustainability are set out in the Kent Environment Strategy, which aims to support economic growth whilst protecting and enhancing our natural environment and creating and sustaining healthy, well designed vibrant and resilient communities.

Through the framework of the Kent and Medway Energy and Low Emissions Strategy, the County Council has also committed to reducing the area's greenhouse gas emissions to net-zero by 2050. KCC's priority is therefore to see that all new developments (through all phases) support its net-zero and clean growth principles:

- Energy supply is from low carbon sources
- Natural resources (such as land, soil, water, energy and materials) are used efficiently and circular economy principles of reduce, reuse, repurpose and recycle are maximised
- Communities are sustainably connected, with adequate health and community infrastructure, full digital connectivity and easy access to walking and cycling routes and public transport which address issues of air quality and improve the health and wellbeing
- All buildings and infrastructure will, throughout their lifetime, be resilient and robust to the challenges faced by climate change and social change
- Support biodiversity net-gain and promote nature-based solutions that can provide benefits to ecosystems whilst improving health and wellbeing, sequestering carbon and providing social value
- Support a sustainable drainage approach to surface water management providing multifunctional green infrastructure.

**Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.**

**17. Do you agree with our proposals for improving the production and use of design guides and codes?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

The County Council welcomes the emphasis that the White Paper places on creating 'beautiful' places and it supports the focus on placemaking and the need for more ambition in the places we create. In principle, the County Council supports the use of design guidance and codes to be developed locally with community involvement, provided they add value as a useful tool in the delivery of sustainable growth. It will be important for full use to be made

of all the high-quality standards, guidelines and templates that have already been developed, including the Kent Design Guide; as well as engagement with experts in developing these. The status of the design codes/guides must be clarified, as they are likely to be time and resource intensive to complete. The County Council seeks assurance that the design code requirements are delivered and not just viewed as aspirational - with consideration given on how to ensure buy-in from the development industry. The County Council would therefore request that the mechanisms are also provided to ensure compliance. The codes will also need to be updated to ensure that they contain the latest relevant standards and requirements, when developing and delivering large development sites. Design codes must allow for a degree of flexibility to ensure the continued delivery of all infrastructure, including green and blue infrastructure, even when applicants seek changes from the original approval.

It is really important for local residents, local community groups, town, parish and district councils to be actively involved in the production of design codes. The local knowledge and local understanding that the community can provide will enhance the effectiveness and quality of the design codes (and resultant development) and so any reforms should clearly articulate their role in production.

Design codes and guidance will need to ensure that they factor in the need to create resilient and future-proofed communities, particularly given that severe weather, in terms of increased number of storms, floods and droughts, will inevitably intensify in coming decades. This could include requirements to use resilient construction materials and landscaping. Codes should also consider the need to design utilities against severe weather impacts, as loss of power or water can have a profound negative impact upon local communities and will become an increasing risk as climate change intensifies.

Design codes should be as locally defined as possible. For instance, a design code for a whole district would be meaningless, as there will be so much variety within the district that it would become homogenous or encourage development that would actually be not in keeping in some areas. A residential scheme in Tenterden, Ashford is a good example of locally informed design, where the Town Council and all tiers of local government and the wider local community were actively involved in the design and development of the masterplan and in the development process (further details can be provided on request). Design codes will also need to encompass all aspects of design - materials, scale, orientation, massing, and layout - to ensure that all aspects of character are properly considered (i.e. not just the design of individual buildings). This will need to be complemented by a better understanding of historic landscapes and townscapes, many of which need additional research. The new design codes should make best use of existing characterisation research such as Historic England's extensive urban surveys, historic landscape characterisation and Natural England National Character Areas, together with local studies. With appropriate funding, all of these could be made available in digital map form.

To deliver sustainable surface water drainage, the requirements of the drainage must be understood and integrated into design codes. The National Design Guide (October 2020) includes a policy to 'Improve and enhance water management' (Policy N2), which states at a high level some characteristics of what a well-designed place would require in relation to surface water management. These statements are not specific or detailed enough to ensure the delivery of sustainable water management. There are various factors that hamper inclusion of a sustainable drainage approach (including housing densities and dwelling numbers within allocations, maintenance obligations, control of drainage measures within private curtilages and open space policies), which must be taken into account in the creation of local design codes.

There is a well-documented link between people's mental and physical health and where and how they live. KCC considers it vital that places should be planned, designed and managed to be healthy places and this objective must be captured within design codes and guidance. New development provides an opportunity to build communities that actively promote health and wellbeing; easing future pressures on health and other public services. The reforms should make public health a practical, integral part of the planning process, involving the public, private and voluntary, community and social enterprise sectors.

Lastly, a really critical issue for the County Council is that, as a provider of education facilities, it is constrained by the funding and design requirements set by the Department for Education. These constraints can lead to difficult design and delivery choices and can be a barrier to higher quality designs. There needs to be a consistent approach and standard set across government departments to prevent this occurrence. Design codes and guides must take constraints such as this into account to ensure they are deliverable in practice.

**Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.**

**18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?**

*[Yes / No / Not sure. Please provide supporting statement.]*

The intended creation of a successor body to CABE is welcomed. The County Council would like to understand its exact role and where it would add value in the planning process. Local circumstances, challenges and opportunities vary significantly and KCC questions how these local variations could be taken into account through a national body. The role for sharing examples of best practice to local authorities and providing support on specific issues, which may arise in relation to design could be considered.

The County Council supports the recognition in the White Paper of the importance of design and place-making. The County Council strongly advocates the need for planning departments to be properly funded and resourced to ensure they are able to carry out their role within a reformed planning system. Any reforms should ensure that planning departments have adequate capacity and the right skills to manage the planning and development needs in their area. The County Council looks forward to being given an opportunity to comment on the proposals that will follow for improving the resourcing of planning departments, as a planning authority in its own right.

**Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.**

**19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?**

*[Yes / No / Not sure. Please provide supporting statement.]*

The County Council fully supports this proposal as Homes England does not always promote good design in developments it is funding; for instance, where a developer has been allowed to build without due regard to necessary community infrastructure (such as Chilmington in Ashford).

**Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.**

**20. Do you agree with our proposals for implementing a fast-track for beauty?**

*[Yes / No / Not sure. Please provide supporting statement.]*

The County Council is fully supportive of the government’s intent to consider whether there could be mechanisms that incentivise high quality development. The County Council disagrees however with the proposals for implementing a fast-track for beauty and is concerned that they will not lead to higher quality design. Instead, a more rounded approach to design and infrastructure provision is recommended, which will deliver communities that will be more sustainable in the long term.

‘Beauty’ is of little value if the development does not meet people’s needs and does not provide the right services and infrastructure. It must instead be understood that design goes far beyond aesthetics and must include consideration of designing in space and facilities to promote health and well-being, availability of super-fast broadband, the changing use and demands of workspace and layouts of buildings and communities that address climate change considerations. These issues, and more besides, are all critical in design and place-making.

KCC has a particular concern that the proposal for the extension of permitted development rights is not the way to achieve high quality design and following a pattern book approach could rule out opportunities for design creativity and innovation. The County Council is pleased that a pilot will be introduced to test this before any commitment is made to this proposal.

In addition, it is not clear how a fast-track system could effectively work to automatically grant applications that are of high-quality design – particularly in assessing which applications meet the definition, given the highly subjective nature of beauty and good design.

The County Council would also raise concerns regarding the difficulties which are likely to be faced (and the extensive skill and resource that will be needed to get it right) by communities in properly engaging at the plan making stage on a design code. Also, there is the concern

that their role will be very limited once the principle of development has been established. Local communities can play a vital role in informing detailed stages of design, layout and place-making with their knowledge of the area, and this would be lost.

The County Council's key concern with these proposals is that by introducing a fast track for 'beautiful' developments, the importance of integral aspects of sustainable development and placemaking (many of which are services and infrastructure that KCC provides technical expertise on or delivers) could be lost by focusing on emphasising the importance of just one aesthetic aspect. This could as a result lead to harm to the local, natural and historical environment. It is considered unlikely that the fast-tracking approach as currently proposed would deliver the best solutions for the community.

**Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.**

Climate change will present new and significant challenges for the UK. Environmental impacts such as rising sea levels, could lead to greater chances of flooding, and extreme weather could result in overheating in homes issues resulting from colder temperatures. By addressing the challenges presented by climate change, the reformed planning system must deliver resilient development to ensure long term sustainable growth. It is suggested that the system needs to grapple with the severity of the challenges and respond with a delivery framework for developers to operate in (this could include for instance the installation of energy efficiency measures and improvements the fabric of housing and non-domestic buildings).

The role of developers in the funding and delivery of multifunctional infrastructure (such as natural flood defences that can double as attractive public green space) must also be clarified through the reforms.

The location of development should be a consideration in how growth might address the challenges from climate change. This should include the accessibility of the site to necessary infrastructure, as well as the environmental suitability of a site. The County Council would recommend that development should not take place, in so far as possible, in areas which have an increased flood risk, due to the inherent challenges and likely impact on these areas resulting from climate change. The role and use of sequential and exceptions tests under the current approach should be factored into any new system.

It is clear that if Net Zero is to be attained by 2050, planning permissions granted today will need to ensure optimal energy efficiency, incorporation of renewable energy generation and support delivery of new and enhanced wetlands and woodlands. The County Council agrees with the White Paper's commitment to avoid retro-fitting which is technically difficult and far more expensive than early implementation of low carbon technology and landscaping enabling sequestration of greenhouse gases. Design codes and planning guidance must therefore be more ambitious and Founded on a robust evidence base and appropriately monitored to ensure that it is real and not a paper exercise.

Planning reforms should explore how renewable energy forms can be incorporated to allow the rural economy to adapt to the challenges presented by climate change, whilst managing

conflicts between the use of land for growing food, providing residential development and generating sustainable forms of energy.

**Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.**

The County Council would like to see the details behind this proposal, to ensure that there will be proper consideration of ecology in the planning process. The proposed reforms must guarantee that local planning authorities have the ability to fully assess the impacts on habitats and species of local importance (see Stodmarsh Nature Reserve in the response to Q7(a) as to why this is so important). The statement, *'enhancing the most valuable and important habitats and species in England'*, suggests that reduced consideration will be given to locally important habitats and species. Planning applications will also need to implement the mitigation hierarchy.

There needs to be a requirement on the applicant to ensure that information is provided in a timely manner to enable review and consideration in the Local Plan process and at the start of the planning application stage in order to allow for proper assessment of environmental impacts of development on the natural environment. The consideration of impacts collectively rather than individually can be beneficial and ecosystem services is a good example of this approach.

**Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century**

The County Council supports the White Paper's commitment to explore whether there are new and better ways of securing consent for routine works to enable local authorities to concentrate on conserving and enhancing the most important historic buildings.

The planning reforms must ensure the appropriate protection and enhancement of the historic environment in the delivery of sustainable growth. They will also need to recognise that the vast majority of the historic environment is made up of non-designated heritage assets, buildings and landscapes which make local areas beautiful and special.

#### *Local Plans*

The White Paper states that Local Plans should identify the heritage assets in the plan area, but the County Council requests clarity as to who will identify the heritage assets. Local planning authorities have taken different views on the NPPF advice, with some taking the view that only those included in a list of local assets qualify, whilst others (including archaeological curators) have taken the view that any historic or archaeological feature is a heritage asset, albeit with differing levels of significance. It is recognised that it is unlikely that all local heritage assets can be shown in a Local Plan, not least because the process of identification is ongoing and, in some cases (e.g. archaeological sites) may only be identified through site investigation. The reforms must ensure that the definition of heritage assets is

not too restrictive, and provision must be made for the discovery of new assets or a change in the appreciation of the significance of assets during the development process.

It is not clear how a heritage asset located in a growth or renewal area will be appropriately protected. The reforms must recognise that not all heritage assets are known about, and how the setting of height requirements or parameters would properly consider the setting of heritage assets.

The reforms should strengthen the protections for locally listed buildings that have been identified by the Local Planning Authority in the Local Plan and especially those that are not statutorily 'listed' by Historic England. This is to ensure that they cannot be demolished through permitted development in Growth or Renewal areas, without the appropriate consideration of their reuse or adaption by the Local Planning Authority and to ensure compatibility with the reforms proposals to protect the historic environment and create beautiful places rooted in local culture and distinctiveness.

The County Council recommends that the reforms also recognise that, at the stage of Local Plan making, it is not normally possible to identify previously unrecorded non-designated archaeological sites without field evaluation.

The County Council considers that archaeological evaluation must be considered early in the plan making process. When unexpected archaeology is discovered, it can lead to delays as well as the redesigning of development. The County Council requests clarity as to why Areas of Archaeological Importance (such as Bath and Chester) or Scheduled Monuments have not been considered within the White Paper.

#### *Revisions*

Reforming the planning system provides an opportunity to review grade listings to ensure they are up to date, defining what is covered and what is important. This would also provide a chance to remove assets from the list that no longer meet the criteria. There should be consideration of the removal of VAT for heritage repairs, perhaps to act as an incentive for protecting heritage assets.

The reforms should ensure that Local Planning Authorities have a local list of non-designated heritage assets and that conservation areas are reviewed every 5-10 years. This will ensure that up to date data is available to developers. To provide this level of data, appropriate funding will be required.

The County Council requests clarity as to the future of the Planning (Listed Buildings and Conservation Areas) Act 1990. If the Act was to be revised, whilst the level of protection should remain embedded, there is an opportunity to update aspects such as enforcement powers and Local Planning Authorities' powers regarding notices for buildings at risk. The County Council would like to see the reforms strengthening and simplifying these powers to ensure their effective use.

#### *Energy efficiency improvements*

The reforms would enable certain energy efficiency improvements without requiring Listed building consent – this could be positive, but it would need to be led by appropriate specialists and experts. Historic buildings require different energy efficiency measures to ensure their fabric is not compromised by sealing in damp or creating fire risk. There would need to be safeguards in place to ensure that significant fabric that is being replaced or removed is appropriately recorded rather than destroyed without record.

**Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.**

The County Council supports the Government's ambition to reduce carbon emissions in new homes. The proposed standard sets out how emissions from new homes would be reduced by between 75% and 80% by 2025 compared to current levels. However, the urgent implementation of a full net-zero carbon standard for new homes is essential in order to successfully eliminate emissions from the domestic sector. The County Council would therefore like to see more ambitious energy efficiency standards that ensure net-zero carbon emissions from new homes before 2030. Such a standard will help to ensure that new homes in Kent are suitable for a Net Zero future and will prevent the need for costly retrofit at a later date. KCC supports the ambition for no new homes delivered under the new system needing to be retrofitted.

There should also be recognition of current guidance and research. Historic England has produced guidance ('Climate Change and the Historic Environment', 2008) that reviews the threats to the historic environment posed by climate change (more recent guidance can also be found in 'Climate Change Adaptation Report' (Historic England, 2016)). The guidance demonstrates that historic structures, settlements, and landscapes can in fact be more resilient in the face of climate change and more energy efficient than more modern structures and settlements. This has also been updated in the Historic England report; 'There's no Place Like Old Homes: re-use and Recycle to Reduce Carbon' (Historic England 2019).

## **Pillar Three—Planning for infrastructure and connected places**

### **21. When new development happens in your area, what is your priority for what comes with it?**

Sustainable, well designed, resilient and future-proofed communities are successfully achieved when supporting infrastructure can be resourced and put in place, where necessary ahead of, housing growth. The provision of the right infrastructure at the right time will also ensure that development proactively responds to challenges presented by climate change, with a shift towards sustainable means of transport and a net-zero approach to development, and with a focus on wider sustainability issues helping to ensure that a balanced approach to development is taken. The provision of the right services and infrastructure is therefore a priority for the County Council and taking an “Infrastructure First” approach is key to ensuring that this is achieved.

**Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.**

### **22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

The White Paper’s statement that “necessary infrastructure and affordable housing alongside new development is central to our vision for the planning system” is endorsed by the County Council, as is the government’s ambition to deliver more of the required infrastructure by capturing a greater share of the uplift in land value.

However, the County Council has marked the ‘**not sure**’ option in response to this question, as there is currently insufficient detail within the White Paper to be able to comment comprehensively or in a properly informed way on the Infrastructure Levy.

The County Council, in its role as a statutory infrastructure and service provider, would first like to highlight the fundamental areas of importance for the introduction of any mechanism. For new settlements to become desirable places to live that contribute to improved physical and mental health, they should provide the opportunity to creatively respond to some of the wider problems. This includes being planned and designed to cater for a growing ageing population, climate change, economic growth and health needs, as well as delivering all the necessary infrastructure and services for the residents. To do this, it is essential that the uplift from the land can be secured from development in a timely and effective manner.

The County Council’s ‘Infrastructure First’ approach to development looks to ensure the upfront investment and delivery of necessary infrastructure to support high quality growth. In order to achieve this, it is crucial for the reformed system to ensure that the right level of risk is balanced out between the developer and local authorities and, that in terms of development economics, as much certainty as possible is provided for both the public and private sectors in order to mitigate risk - financially, socially or otherwise. KCC’s response to question 22(d) raises some concerns in respect of allowing local authorities to borrow against the Infrastructure Levy in this respect.

It is essential that the delivery of key infrastructure is de-risked for County Councils and one way to achieve this would be for the Treasury to pool money for local authorities to borrow against.

If Government took on a banker role, this could also improve cashflow for developers and give local authorities the certainty they need to borrow against future contributions. With local authority budgets already enormously stretched, any extra risk would make it impossible to finance and would threaten the delivery of key infrastructure for new communities, particularly for large, strategic sites.

It is worth also emphasising that a lot of the critical infrastructure needed for growth is delivered by upper tier authorities. This relates both to strategic and local infrastructure and can include new roads, nurseries, primary and secondary schools, special education needs, adult social care services, public health services, waste facilities, libraries, adult education, highways infrastructure, as well as services for people with physical and learning disabilities and older people.

Whilst not an exact science, the reality is that this provision of strategic infrastructure does demand a considerable proportion of the overall infrastructure monies. It is therefore critical for local authorities and developers to have certainty around the timing, nature and level of payment, but it is also essential to avoid a trickle effect, which makes funding large pieces of infrastructure, particularly for major strategic sites, extremely challenging. It is suggested that installment schemes with some form of final equalisation mechanism (rather than a 100% end payment) could help to provide more certainty for infrastructure delivery.

The proposed reform is to introduce an Infrastructure Levy looks to completely dismantle the current developer contribution mechanisms delivered through section 106 agreements and the Community Infrastructure Levy (CIL) and replace it with a new system. However, it has very little meaningful information to explain how a consolidated Infrastructure Levy would operate and this is a real concern. To remove section 106 agreements and the CIL is a fundamental shift and the proposed new system is being proposed in extremely vague terms.

It is not clear how a nationally set value-based rate would be set as a fixed proportion of the value of development above a set threshold. Significantly, there is also no indication as to who would be the 'charging authority', and aside from stating that revenues would continue to be collected and spent locally, there is no clarity on how would the Levy be distributed or what this would mean for county councils in particular.

The White Paper also states that it will consider the impact of the change on areas with lower land values and there is a real concern that low land value areas will miss out on necessary infrastructure. Currently, section 106 contributions can be a huge help in mitigating development and contributing to necessary infrastructure, but it is not clear from the White Paper whether the proposed Levy system will be capable of generating the necessary amounts of funding required to deliver essential supporting infrastructure.

**Section 106 agreements and their role in mitigation:** The loss of section 106 agreements is a big concern. Section 106 agreements are still required to provide essential on-site infrastructure such as schools and including, significantly, the transfer of land/sites at nil cost. Indeed, there are a range of mitigation measures (including non-financial mitigation measures) that are secured using this mechanism and without it, there is nothing to explain how the on-site mitigation would then be secured. This could also affect the ability to deliver a number of crucial benefits and mitigation that flow from mineral and waste development (typically public access or biodiversity gain from the restoration of mineral and landfill sites),

or for the implementation, maintenance and management obligations for surface water drainage systems - just two of many examples. The County Council would strongly discourage the abandonment of the section 106 contributions mechanism unless a tested, workable and robust mechanism has been put forward as an alternative.

**Splitting up big sites:** The White Paper proposes to require that big building sites are to be shared between developers. It is not clear from the document what size site is being referred to when they are to be divided between developers, or whether equalisation agreements will be required between the developers rather than the local planning authorities having to find a way to address issues.

**Charging the Infrastructure Levy at the point of occupation:** The White Paper states that Infrastructure Levy payments could be paid on the final value of the scheme, once it is occupied. There is no definition as to what is meant by “occupied” but (if KCC had to choose between the two options) KCC would strongly request that it is at the point of first occupation, rather than at full occupation (with perhaps some form of equalisation mechanism, as referred to above). ‘At the point of full occupation’ could raise significant issues - for instance, it is not clear what would happen if developers leave one property vacant for twenty years. Also, small developments of say ten units will need to be treated differently to large sites of say 5000 homes, which will take often a significant number of years to be occupied.

Nevertheless, significant concerns are also raised more widely with the Infrastructure Levy being applied at the point of occupation. In many instances, it is crucial for infrastructure and services to be installed and provided before occupation of the developments. The White Paper leans heavily on enabling local authorities to borrow against the Infrastructure Levy to address this issue, but, as KCC sets out in response to question 22(d), this is not a solution and will not effectively enable the delivery of the essential infrastructure for sustainable communities at the right time, which can often mean before the houses are built.

**Value of development and level of threshold:** It is imperative that the essential infrastructure required to support development is provided. If this supporting infrastructure cannot be provided, the development will struggle to be sustainable and will potentially cause severe disruption for communities, with consequences for existing schools, hospitals, transport infrastructure and other local services. Concerns are therefore raised with the prospect of the Levy not being charged if the value of development is below the threshold. If a development becomes unviable due to the cost of the Infrastructure Levy being sought, there is a question as to whether the development is sustainable and should go ahead.

**22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?**

*[Nationally at a single rate / Nationally at an area-specific rate / **Locally**/ Not sure]*

The County Council notes that comments are being requested without any evidence having been provided to demonstrate why a nationally set rate (or indeed locally set rates) as proposed would raise more than current section 106 or CIL mechanisms.

It is not clear how the Infrastructure Levy rate is to be set, or indeed which body would be the charging/administrative authority, or how the Levy will be distributed. In particular, it is not clear how county councils would receive contributions or contribute requests to the list of asks from the Levy given the enormity of their task in delivery a range of critical infrastructure pieces and services for new development (circa 70% of section 106/CIL is currently required for the County Council’s main functions of Highways and Education).

KCC would seek clarity on exactly what is meant by a “nationally-set value-based flat rate”. The obvious significant risk relates to cash flow and what KCC’s obligations are to forward fund essential infrastructure such as schools (which is an existing and increasingly prominent risk for KCC).

A ‘national single rate’ would potentially disadvantage low value and higher value areas. A local rate would be preferable and more equitable but should not in any way be allowed to be set/constructed to the detriment of essential statutory services, such as education and social services. Applying a local based rate would enable the Levy system to account for regional variation of land values and ensure development is economically viable.

**22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?**

*[Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]*

The County Council would reiterate its concern that comments are requested without any evidence published to demonstrate how this nationally set Infrastructure Levy would raise more than current section 106 or CIL mechanisms.

The current mechanism for the CIL is complicated and fundamentally does not fully address the issue of infrastructure funding and can often be to the detriment of the provision of essential and strategic infrastructure, such as education. This creates significant additional financial pressure on providers of statutory services and in particular, county councils. The current section 106 system, whilst not perfect, does work well. The funding that is able to be secured for essential infrastructure and statutory services through the CIL, however, can be seriously inadequate and consequently, there is often a significant reliance on the use of section 106 agreements, particularly for major or strategic sites. It will be critical for the new Infrastructure Levy to generate sufficient infrastructure funds if both these mechanisms are to be abolished.

The County Council would like to highlight its concern around the potential consequences of retaining the neighbourhood contribution under the Infrastructure Levy. It is understood that the proposed Infrastructure Levy would look to retain/incorporate the equivalent of the existing CIL 25% neighbourhood contribution, which currently enables parishes to allocate CIL receipts directly from development in their area, with relatively limited oversight as to how this is used.

The impact of this is heightened however, if section 106 agreements (as well as CIL) are to be abolished, as it will potentially significantly increase the amount of funding that is ringfenced for parishes, whilst reducing the overall amount available for infrastructure. Particularly where viability is already an issue, this will potentially have a major impact on deliverability of essential community infrastructure such as schools

Should an Infrastructure Levy be introduced, the County Council strongly recommends that the Levy should aim to capture more than the current mechanisms tend to allow, to support greater investment in the infrastructure (and for greater range of necessary infrastructure such as waste) that is essential to support growth and deliver sustainable and future proofed communities.

It is also of note that the minerals and waste industry is already liable for additional development levies in the form of the aggregate levy and the landfill tax. How this will work alongside an Infrastructure Levy is unclear.

**22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

Whilst the County Council does not object to enabling local authorities to borrow against the Infrastructure Levy, this should not be seen as the answer to ensuring or guaranteeing the timely delivery of necessary infrastructure. Government is strongly urged to consider the risks associated with this approach, and not increase the risk further through the uncertainty of future income (which would be the case if payment is on (first or last) occupation of development, and dependent on the value of development).

Often, the current system results in delivery of essential infrastructure potentially being delayed, due to delays in development coming forward (for a variety of reasons including market forces). Consequently, local authorities are often expected to forward fund and cover borrowing costs or seek additional grant funding for the shortages until they are recovered.

A flaw in the current system is that the need to accumulate contributions (whether the CIL or section 106 agreements) can result in infrastructure being provided later than is required, with funding gaps arising when there are delays in development coming forward and local authorities (often the county councils) have to cover borrowing costs or seek additional grant funding for the shortages. It is not reasonable or feasible to rely on increased borrowing against the Infrastructure Levy to fix this problem.

Suggesting the full 100% should be paid on occupation and that local authorities can (and should) borrow against the expected Infrastructure Levy receipts is a step too far, unless the government provides some kind of funding pool to mitigate the risk for local authorities. This proposal is particularly contentious given that the final Levy amount is not known and will be subject to market volatility, along with ongoing issues regarding viability and delivery being entirely market/commercially driven. Without knowing who would control an Infrastructure Levy pot, there is a potentially increased risk of borrowing against the Levy if the rules allow developers to cease development before being “fully occupied”. There is therefore concern around risks that would be associated with borrowing against an Infrastructure Levy when housing delivery is uncertain.

Further clarity is also required in respect of how any loans taken out by local authorities might be affected, should developers subsequently seek amendments to their consents, such that previously agreed developer contributions are reduced or removed.

**Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights**

**23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

There is support for the Infrastructure Levy to be extended to capture changes of use through permitted development rights, which have an impact on local infrastructure and services.

**Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision**

**24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

As a County Council, KCC is not directly involved in the delivery of affordable housing. Nevertheless, the County Council firmly believes that all Kent residents should have an opportunity to live in good quality and affordable housing and recognises its key role in the wide range of responsibilities working closely with other authorities. Kent County Council's Select Committee on Affordable Housing reported earlier this year with a series of recommendations around infrastructure, joint working, land and finance to support the delivery of affordable housing in the county. Most prominent of these was for the establishment of a Housing Growth Unit to work with the industry and districts, promoting collaboration and streamlined working, bidding for new funds and supporting research and best practice. The unit would provide a single point of access to functions relating to housing in KCC. A full response to the recommendations, including the creation of a Housing Growth Unit, is expected later this year.

The County Council would however like to comment in respect of the impact of the proposal on overall infrastructure funding and particularly in respect of ensuring that upper tier authorities are able to secure monies for its key services. KCC is operating in an already very challenging financial environment and within this context, the overriding concern is that this proposal does not further exacerbate the problems in securing appropriate levels of infrastructure funding for vital community services. Therefore, whilst the County Council is in support, in principle, to this White Paper proposal, it should not be to the detriment of securing funding for essential community infrastructure such as education.

**24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

The County Council's fundamental position is that, whilst fully supporting the need to provide affordable housing, this should not be in any way be to the detriment of adequate funding for essential community infrastructure such as schools.

**24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?**

*[Yes / No / **Not sure**. Please provide supporting statement.]*

The County Council would defer to district and borough councils to respond to this question.

**24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?**

*[Yes / No / Not sure. Please provide supporting statement.]*

No comments.

**Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy**

**25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**

*[Yes / No / Not sure. Please provide supporting statement.]*

The County Council supports the proposal for local authorities to have fewer restrictions over how they spend the Infrastructure Levy, provided that statutory services and key infrastructure should first be protected and prioritised.

However, the County Council raises doubt as to whether the Infrastructure Levy would raise enough revenue to cover the costs for affordable housing and infrastructure (without even taking into account White Paper suggestions that it will also contribute to the costs of planning services and to fund neighbourhood projects).

The County Council currently secures contributions for primary and secondary education, communities, highways infrastructure, waste, adult social care, as well as services for people with physical and learning disabilities and older people. There is a need for an Infrastructure Levy to ensure that proposals secure, at least, adequate funding for essential infrastructure to support growth, that statutory services do not suffer through lack of capacity and that pressure on existing services is mitigated.

The County Council would also emphasise the wide range of infrastructure and service provision, that goes beyond schools and roads, typically associated with County Council provision, that must be captured when planning for growth – in addition to those services mentioned above – but that also must be factored into any new system.

**Emergency planning and resilience measures:** There is an increasing need for new infrastructure to be resilient to severe weather and other challenges. The additional burden upon resilience and emergency planning, response and recovery must be acknowledged, with the new levy system being set up to enable the additional contingency planning burden arising from development within potentially vulnerable locations and an increasing local population.

**Heritage:** The current possibility of pre-determining the assessment of archaeological heritage would seem to be made much more difficult by the proposed reforms. One way to offset this might be to include archaeological and other assessments in the new Infrastructure Levy. This happens in France at present, where a charge of 0.5 euros/m<sup>2</sup> is taken from all non-householder developments and used to fund archaeological work carried out as part of development proposals. This sort of approach might allow more detailed evaluation and assessment prior to allocation of land.

Many of the development proposals will have an impact on archaeological remains. These remains constitute a key, irreplaceable component of the historic environment, being tangible survivals of the county's heritage. The Framework fully recognises the importance of this resource (paragraph 199). The archaeological 'archive' includes a sample of the most significant finds and records from the excavation. It allows researchers to assess aspects of the excavation even many years after the event; schools and community groups to investigate their local heritage and is a way to connect the now-lost heritage to the modern community. In most counties in England, these archives are deposited in local museums, many of which are at capacity meaning that some archives are left in inappropriate and insecure locations. The need for proper archaeological storage for these materials within education and community accessible facilities is critical for the continued proper understanding of the heritage of Kent. The Infrastructure Levy could be used to provide for initial set up costs and facilities for community / education use to ensure appropriate archaeological archives available are available and accessible for the community.

**Biodiversity:** Biodiversity must be considered on both a local and strategic scale to ensure the connectivity of sites across boundaries and there is need to ensure there is monies available to support both. The County Council draws attention to the Strategic Access Management and Monitoring Strategy (SAMMS) (a payment for recreational impact on wintering birds within Special Protection Areas (SPAs) is set up in perpetuity) and the District Level Licencing for Great Crested Newts. These strategic approaches allow for payments to be made to the local planning authority and should continue but with assurances that funds are ring fenced for appropriate measures. These will need to sit alongside the forthcoming proposals for Biodiversity Net Gain, which will require funding over a number of years (once implemented via the Environment Act).

**Developments in AONBs:** There also needs to be funding set aside for off-site green infrastructure and mitigation and enhancement of the AONB where development is in or on the boundary of the AONB; the value of development within the AONB and close to its boundary is higher than elsewhere and a proportion of this added value could be set aside for this purpose. This is considered appropriate, as new development in proximity to the AONB is likely to result in increased usage of it.

**25(a). If yes, should an affordable housing 'ring-fence' be developed?**

*[Yes / No / Not sure. Please provide supporting statement.]*

There is very limited information given to explain how the ring-fence would work. Sustainable infrastructure must be delivered alongside (but preferably ahead of) any growth in housing. It is vital that adequate infrastructure is planned for, funded and delivered to support delivery and there is concern over how this could be delivered with affordable housing ring-fenced within the Infrastructure Levy monies as well. KCC requests further information on this point to consider properly.

**Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.**

The County Council welcomes the recognition for the need of a resources and skills strategy to ensure the effective running of the planning service, as well as a review of planning fees, which is required imminently.

Currently, the cost of development management activities is, to an extent, covered by planning fees, but the fee structure means the cost of processing some applications can be significantly greater than their individual fee. This is particularly the case for mineral and waste developments that are determined by the County Council (it is not uncommon for technical advice on a simple waste application to cost more than the planning fee). The cost of preparing Local Plans and enforcement is also largely totally funded from a local planning authority's own resource.

There will be a high financial cost for the implementation of all the new reforms and ways of working, but no proper indication is provided as to how the proposed combination of a slice of the Infrastructure Levy and nationally based planning fees would cover costs. There is concern that the fees proposals put forward will fail to adequately cover the full costs of running the expectations of the new planning service and this lack of funding will have serious implications on the capacity of the service to deliver the wide range of functions of the service. The County Council is doubtful around how effective the Infrastructure Levy could be in contributing to the costs of planning departments, given the multiple other demands there will be on monies. There is concern that it is unlikely that the Infrastructure Levy would make up for the loss of funding mechanisms such as Planning Performance Agreements and pre-application advice charges, but these income streams are not mentioned in the White Paper. Clarity is required on this, in discussion with local planning authorities.

The County Council would welcome engagement on the development of a resourcing and skills framework which seeks to deliver a highly digitalised planning service to ensure that its planning services are upskilled and resourced appropriately.

**Proposal 24: We will seek to strengthen enforcement powers and sanctions**

The County Council would welcome engagement to review and strengthen the existing planning enforcement powers to ensure they are effectively implemented in practice. The protection of the environment and infrastructure against unlawful development should form an integral part of these planning reforms. Overall, the County Council would like to see more powers being given to local authorities to address intentional unauthorised development and higher fines and further mechanisms to support more enforcement activity. In particular, the County Council would welcome reforms to deliver effective waste planning powers to address significant unauthorised waste development. The current controls available to County Councils are outdated and fail to match those available to the Environment Agency or even those that have far less impact i.e. works affecting a protected tree which provides immediate prosecution powers. The lack of direct prosecution powers and the risk of punitive compensation severely constrains responses to waste contraventions. Having no access to HMRC and its Landfill Tax Avoidance powers is also a major disparity within the public regulatory system.

**26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010.**

The County Council would recommend that the government must ensure that proposals secure, at least, adequate funding for essential infrastructure to support growth, that

statutory services do not suffer through lack of capacity and that pressure on existing services is mitigated.

KCC currently actively secures contributions for a range of services, including primary and secondary education, communities, and adult social care, and including services for people with physical and learning disabilities and older people. Any further pressure on service delivery (financially or otherwise) will detriment people with certain protected characteristics (Age, Maternity, and Disability in particular) - potentially first and foremost.

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27 November 2020

Dear Anna

**Re: Otham Parish Neighbourhood Plan 2020-2035 - Regulation 16 Consultation**

Thank you for consulting Kent County Council (KCC) on the Otham Parish 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.

**5. Enhancing green space and biodiversity value**

**Policy GS4/GS5**

The County Council is supportive of the policies that seek to safeguard informal meadows/natural corridors, ancient woodland and hedgerows.

**7. Promoting active and sustainable travel**

**7.3 Aims**

The County Council, as Local Highway Authority, is supportive of the aims set out within the Neighbourhood Plan, which are largely focused on ensuring that new developments are afforded good accessibility by sustainable transport modes.

## 7.4 Policies

**Policy ST3** - The County Council recommends that reference is made to public transport within this policy.

**Policy ST4** - The County Council welcomes the reference to the Rights of Way Improvement Plan (ROWIP). The County Council is supportive of the development and protection of PRoW, which in turn, support the rural economy and provision of access to green space. The references to walking and cycling throughout the document are generally supported.

The County Council has adopted a policy of ensuring accessible access across the PRoW network and would support measures to replace stiles with more accessible structures, although it is acknowledged that authorised stiles cannot be removed without the agreement of the landowner/occupier. If a structure is not needed to prevent the ingress/egress of livestock, KCC would recommend replacing the stile with a structure gap instead of a stile, as this would improve accessibility and require less future maintenance. Taking these points into account, the wording of policy ST4, which considers KM94, should be revised to:

*Efforts should be made to improve the accessibility of Public Footpath KM94, so that it is suitable for wheelchair and pushchair users, by replacing the existing stile with a structured gap or gate and enhancing the path surface where possible.*

### Policy ST5

Public Right of Way (PRoW): Given that there are Public Bridleways and a Restricted Byway passing through the Parish, the wording of this policy should be revised to reflect the different types of PRoW classification:

*Subject to other considerations within the plan, development adjacent to public rights of way should not adversely affect their amenity as a leisure facility, cause undue harm to the views of the North Downs or have an adverse impact on the Heritage Walks identified on map GS2 and in Appendix 3.*

## **8. Managing the built environment**

### Policy BE1

Highways and Transportation: This policy should also refer to the role of cycling and public transport within larger development sites.

Sustainable Urban Drainage Systems: The County Council notes that the Neighbourhood Plan recognises the importance of enhancing green space and biodiversity value, but there is currently no reference in the document to the water environment. It should be highlighted that Maidstone's Green and Blue Infrastructure Strategy addresses green and blue corridors, as well as blue infrastructure.

A tributary of the River Len traverses Otham and is an important corridor. The land within the Parish is permeable, being underlain by the Hythe Formation, however, the management

of surface water for any new development is very important to manage local flood risk and to ensure that appropriate approaches to the surface water drainage are implemented.

The County Council, as Lead Local Flood Authority, recommends that the Neighbourhood Plan should consider the water environment within the Parish. This should include the consideration of the types of surface water management which the Parish would like to see implemented. The NPPF Paragraph 165 specifically requires major developments to incorporate sustainable drainage systems which, where possible, should provide multifunctional benefits. The Parish should require that all development drainage systems are at surface and provide water quality benefits, promote amenity and increase biodiversity.

The County Council recommends that KCC's Drainage and Planning Policy<sup>1</sup> is considered within the Neighbourhood Plan.

***Biodiversity:*** The County Council welcomes the policies which safeguard informal meadows/natural corridors, ancient woodland and hedgerows. KCC is also supportive of the policies which cover ecosystem services (BE3) and limiting light pollution (BE4). The policies should be expanded further to ensure that biodiversity concerns are fully addressed. The County Council would like to raise the following points:

- Fragmentation of habitats is a major threat to biodiversity in the south-east. As ecological surveys of the Otham area have not been undertaken, it is difficult to see how Otham's habitat connectivity can be maintained and, therefore, biodiversity adequately protected.
- There is no mention of protected species and how site-specific ecological surveys should inform development projects.
- Otham's agriculture is referenced as an important feature but for optimal crop production, pollinators and their (wildflower) habitats need to be given more emphasis and protection. More meadow grassland (with appropriate management) and native planting are key measures to achieve this.
- Bicknor Wood (ancient woodland, which is afforded a high level of protection) may not be sufficiently protected from development, even with a minimum of a 15m buffer zone. It is recommended that development around Bicknor Wood should include a buffer much wider than 15m where possible.

Ultimately, strengthening policies to benefit biodiversity will result in a higher agricultural output and less severe flood and drought events. A comprehensive ecological survey would allow a much clearer idea of where the most biodiversity value is and how it can be maintained going forward.

## **Policy BE2**

***Waste Management:*** waste collection is the responsibility of the Waste Collection Authority (in this case Maidstone Borough Council), however, KCC as Waste Management Authority,

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<sup>1</sup> <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/flooding-and-drainage-policies/drainage-and-planning-policy-statement>

welcomes the promotion of sustainable development in terms of waste management and ensuring adequate recycling provision is made.

### **Policy BE3**

*Biodiversity:* 'Green planting' within Policy BE3 should be replaced with 'native species planting' because native vegetation supports the faunal basis for ecosystems (invertebrates) whereas many non-native common garden plants do not.

*Sustainable Business and Communities:* The County Council welcomes the Neighbourhood Plan's intention to encourage sustainable development and supports its inclusion of policies that require high standards of energy and water efficiency in building design, promote active travel and enhance ecosystem services. This could be further enhanced by the inclusion of Net Zero targets to support delivery of the Kent and Medway Energy and Low Emissions Strategy<sup>2</sup>.

The Neighbourhood Plan does not currently consider the impact of future climate change risks (such as hotter, drier summers and warmer, wetter winters) which are outlined in the Kent Climate Change Risk and Impact Assessment<sup>3</sup>. The County Council would encourage the inclusion of policies that increase the Parish's resilience to these climate change risks.

## **9. Community and Leisure**

### **Policy CL1**

*Highways and Transportation:* Criteria 1 of Policy CL1 should include reference to the County Council. This would ensure that the access arrangements are supported by the Local Highway Authority, as well as the residents.

*Kent Sport:* As part of the Kent Design Guide, the County Council is currently compiling local examples to sit alongside the ten Sport England Active Design principles<sup>4</sup>. It is clear that consideration has been given to community and leisure, with the potential for a new village hall and the heritage walks around the community captured in the Neighbourhood Plan.

The Neighbourhood Plan should consider how the community facilities are linked, to limit car usage where possible. This should include active travel links such as walking and/or cycling routes between key points in the area. This could potentially include schools, parks, green space, local shops and the new village hall.

Both Government and Sport England strategies for sport focus on tackling inactivity and supporting under-represented groups to be active and this would need to be considered as part of any funding bid for the new village hall development. The County Council would draw attention to the Sport England Planning Guidance<sup>5</sup>. Sport England also runs two surveys

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<sup>2</sup> [Kent and Medway Energy and Low Emissions Strategy](#)

<sup>3</sup> [Kent Climate Change Risk and Impact Assessment](#)

<sup>4</sup> <https://www.sportengland.org/facilities-planning/active-design/>

<sup>5</sup> <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/>

that would be useful to take account of; “Active Lives Adult”, published twice a year and “Active Lives Children and Young People”, published annually. Both survey publications provide a unique and comprehensive view of how people are getting active and the results can be analysed at a local authority level. The latest adult report is available for review<sup>6</sup>. It is possible to explore and filter the data using the online tool<sup>7</sup>. A summary of the Children and Young People report is also available for review<sup>8</sup>.

The latest figures indicate that inactivity significantly impacts an individual’s physical and mental health, as well as social and community cohesion. Any development should seek to provide a mix of formal and informal areas/spaces (indoor and outside) where people can be active, including walking and cycling routes, open spaces and, where appropriate, water based activity.

### **Planning Obligations**

There is no reference to the Community Infrastructure Levy (CIL) contributions within the Neighbourhood Plan. Whilst it is acknowledged that the Government is considering substantial reforms to the planning system, Parish Councils are currently eligible for significant CIL funding opportunities from development. The County Council would welcome further engagement with the Parish Council to discuss potential spending priorities.

### **Minerals and Waste**

The Neighbourhood Plan should include reference to the adopted (and recently partially reviewed) Kent Minerals and Waste Local Plan 2013-30.

The area contains the safeguarded land-won mineral - Crustal deposits - Hythe Formation (Limestone-Ragstone). It is noted that the Plan does not propose any additional allocations for development beyond those already identified in the adopted Maidstone Local Plan. The allocations in the Maidstone Local Plan were considered against the need to safeguard minerals of known economic importance which are coincident with development allocations. At the examination of the Local Plan, the Inspector considered the need to consider the safeguarded Hythe Formation (Limestone-Ragstone) and the coincident allocations proposed. The Inspector concluded that there was evidence available to demonstrate that the land-bank (in excess of thirty years) for this mineral greatly exceeded the NPPF maintained land-bank requirements. It also concluded that the extensive occurrence of the mineral across the Maidstone Borough meant that the development allocations within the Local Plan coincident with this mineral were exempt from further safeguarding considerations. Therefore, it is not necessary to consider the need for mineral safeguarding in the Otham Neighbourhood Plan.

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<https://www.sportengland.org/facilities-planning/active-design/>

<https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>

<sup>6</sup> <https://www.sportengland.org/activelivesapr20>

<sup>7</sup> [Active Lives Online tool](#)

<sup>8</sup> <https://www.sportengland.org/news/active-lives-children-and-young-people-survey-academic-year-201819-report-published>

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

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

**Barbara Cooper**  
Corporate Director – Growth, Environment and Transport



Ashford Borough Council  
Civic Centre  
Tannery Lane  
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Kent  
TN23 1PL

**BY EMAIL ONLY**

**Environment, Planning and Enforcement**

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MAIDSTONE  
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Phone: 03000 415673  
Ask for: Francesca Potter  
Email: Francesca.potter@kent.gov.uk

9 November 2020

Dear Sir / Madam,

**Re: Boughton Aluph & Eastwell Parishes' Neighbourhood Plan 2013 to 2030 – Regulation 16 consultation**

Thank you for consulting Kent County Council (KCC) on the Boughton Aluph & Eastwell Parishes' Neighbourhood Plan (the Neighbourhood Plan), in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, provides comments structured under the chapter headings and policies used within the Neighbourhood Plan.

**Section 2: Boughton Aluph & Eastwell Now**

Public Rights of Way (PRoW): The County Council welcomes the inclusion of the PRoW network as a significant asset to the parishes and would recommend that reference is made to the Kent County Council Rights of Way Improvement Plan<sup>1</sup> (ROWIP). This is a statutory policy document for PRoW, which sets out a strategic approach for the protection and enhancement of the network.

The PRoW network in Boughton Aluph & Eastwell consists of 7.219 km of Bridleways and Footpaths. It is requested that the text is revised to include a separate paragraph outlining the significant benefit that a well-maintained PRoW network can bring to the socio-economic wellbeing of a rural area. This should provide details of Public Bridleways, in addition to Public Footpaths, as these provide higher rights of access for equestrians, cyclists and pedestrians.

<sup>1</sup> [https://www.kent.gov.uk/\\_\\_data/assets/pdf\\_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf](https://www.kent.gov.uk/__data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf)

The Neighbourhood Plan should also clarify that KCC has a statutory duty to ensure the network is recorded, protected and maintained, but works in partnership with the Parish Footpaths Group.

The County Council also requests the inclusion of the definition of a Right of Way, as suggested below:

*“A way over which the public have a right to pass and repass, including Public Footpaths, Public Bridleways, Restricted Byways and Byways Open to All Traffic”.*

*Heritage Conservation:* The origins of Boughton Aluph and Eastwell are considerably older than the Roman road junction (in contrast to the statement set out in the Neighbourhood Plan). There are numerous important prehistoric remains in the study area, including the possible Neolithic Long Barrow from Soakham Downs (scheduled monument), a late Bronze Age barrow and Iron Age cremation burials at Warren Farm, Boughton Aluph. A late Iron Age bronze mask was found at Boughton Court Farm, an Iron Age cremation at Kennington Lees, late Iron Age discoveries at Eureka Park and the cropmark traces of many sites, including ring-ditches, have been found across the area. Many of these will be prehistoric in date.

It is not accurate to state that Kempe’s Corner is the location of the junction of two Roman roads. The road from Canterbury to the Weald was indeed a constructed road, but Pilgrim’s Way remained a trackway. This is perhaps reflected in the relative paucity of Roman discoveries in the area, which only consist of some early Roman discoveries at Eureka Park, a burial at Sandhurst Park and some small metal finds.

An Anglo-Saxon burial was found between 1902 and 1904 at Tarbutt's chalk quarry near Boughton Aluph. The skeleton was found with a sword - an iron spearhead. Other burials with similar grave goods have been found in the area and a large cemetery may exist within Eastwell Park.

The medieval period saw the probable expansion of settlement in the area, reflected in the construction of the churches of St Mary’s and All Saints at Eastwell and Boughton Aluph respectively, both villages being mentioned in Domesday. High status settlement can be seen in the moated site at Park Farm Barn and (probably) Buckwell Farm, while many of the study area’s farmsteads will have medieval origins. Although Eastwell Park was only referenced in the Post Medieval period, the assembling of the land may well have taken place throughout the medieval period and much of the landscape of the study area will follow medieval land boundaries (although this would need to be assessed).

In the Post Medieval period, despite the likely older ancestry of the landscape, there will nonetheless have been significant landscape change. This is most clearly reflected in the industrialisation of the countryside with numerous limekilns, watercress beds, quarries, sand pits and brick kilns being constructed. The expansion in population during this time is also shown in the increased number of farms in the area.

There is relatively little 20<sup>th</sup> century heritage in the area, although this may reflect a lack of research. During the Second World War a tank servicing yard is believed to have been constructed at Rook Toll south of Boughton Lees. It is said to be where Churchill 'crocodile' flamethrower tanks were serviced before D-Day and there are reports that remains of roadways and tin huts still exist.

The County Council recommends that the Neighbourhood Plan would benefit from a review of the history and heritage of the study area, as it is this past that has shaped the two parishes and given them the form and appearance that they have today. It would also underpin the Neighbourhood Plan's objectives for preserving the rural character of the area, as the National Planning Policy Framework's (NPPF) objectives for the historic environment complement those for landscape well and would give added weight to decision-making.

More information about the archaeological heritage of the study area can be found on KCC's website<sup>2</sup>.

### **Section 3: Boughton and Aluph & Eastwell Future Vision to 2030**

*PRoW*: The County Council would welcome recognition within the Neighbourhood Plan of how the PRoW network provides important access and connectivity between the identified Goat Lees area of Ashford and Boughton Aluph. This should reflect the extent to which the PRoW network meets the likely future public need in supporting more sustainable development.

### **Section 4: Boughton Aluph & Eastwell Parishes Neighbourhood Plan Strategy**

*PRoW*: The County Council welcomes the inclusion of "*Footpaths and Bridleways*" as "valued landscapes" but requests a wording change to *PRoW Network* instead. The County Council would also recommend reference to the NPPF Paragraph 98, which states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

*Heritage Conservation*: The text states that a goal of the Neighbourhood Plan is to protect the rural parts of the study area from inappropriate development. KCC has worked with English Heritage (now Historic England) and the Kent Downs and High Weald AONB teams to prepare guidance on how historic farmsteads in Kent can be assessed for their suitability for new development or change of use<sup>3</sup>. Where such development is permitted it is important that it is in keeping with the existing character in terms of size, layout, routeways, massing and materials and that any archaeological remains associated with former phases of use are treated appropriately in the development control process.

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<sup>2</sup> [www.kent.gov.uk/HER](http://www.kent.gov.uk/HER)

<sup>3</sup> <http://www.highweald.org/look-after/buildings/farmsteads-and-hamlets.html>

## Section 5: Neighbourhood Plan Policies

PRoW: Objectives should make specific reference to the role of the ROWIP. The PRoW network is a valuable resource that provides significant opportunities for outdoor recreation and active travel. The ROWIP can help contribute towards robust infrastructure that enables development and encourages economic growth. The Neighbourhood Plan should make specific reference to PRoW and the opportunities offered to health and wellbeing, tourism, sustainable transport and access to the environment.

### Environment

Sustainable Business and Communities: The County Council welcomes the focus on the environment and protection of nature. Reference to climate change is strongly recommended, with consideration of the future resilience of the parishes to challenges presented by climate change. The County Council would recommend reference to the Climate Change Risk and Impact Assessment (CCRiA) implementation tool as a starting point - this provides some insight into the risks Kent and Medway face from climate change<sup>4</sup>.

The County Council would also recommend that reference is given to the need to deliver energy efficient homes and renewable energy sources where appropriate.

The Energy and Low Emissions Strategy (ELES) outlines Kent and Medway's ambition to reduce greenhouse gas emissions to net-zero emissions by 2050. Taking an evidence based approach, it identifies a pathway to reduce greenhouse gas emissions, eliminate poor air quality, reduce fuel poverty, and promote the development of an affordable, clean and secure energy supply for this county. The County Council has set a target of net-zero greenhouse gas emissions by 2050 in the ELES and would recommend reference and commitment to this target with the Neighbourhood Plan.

Heritage Conservation: Eastwell and Boughton Aluph sit in a historic landscape that contains many surviving historic features, such as the patterns of tracks, lanes and hedgerows that give character to the parishes. When considering the impact of either development or intensive agriculture on the countryside, it is important to understand the historic development of the landscape so that its essential character can be conserved. The Kent Historic Landscape Characterisation (2001)<sup>5</sup> has identified the broad historic character of the landscape of Kent. Where it is to be applied locally, further study is needed to refine its conclusions, but it remains an essential tool for understanding Eastwell and Boughton Aluph's landscape. To be fully effective, the Historic Landscape Characterisation should be backed up by more detailed case-by-case analysis at a parish level, to add greater detail through secondary sources. This would make a good volunteer project for the parish councils and KCC would be happy to discuss this further.

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<sup>4</sup> <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/environmental-policies/kents-changing-climate>

<sup>5</sup> <https://www.kent.gov.uk/waste-planning-and-land/kent-landscape-information-system/resources/klis-landscape-character-resources2>

### *Policy BAE NP1: Design of New Development and Conservation*

PRoW: Reference should be made to the ROWIP and the Kent Design Guide. It is requested that additional text is inserted into the supportive text stipulating that applicants for new developments engage with the KCC at the earliest opportunity. This would allow the County Council opportunity to review proposals and advise on suitable mitigation measures.

Heritage Conservation: To protect the landscape features as described in the policy, they must first be properly assessed so that their historic role can be ascertained. Historic Landscape Characterisation can support this<sup>6</sup>.

### *Policy BAE NP2: Protection of Local Green Spaces*

Public Rights of Way: The provision of high quality open green spaces and opportunities for outdoor recreation should be a priority for the Neighbourhood Plan. The Neighbourhood Plan should aim to increase the provision of accessible green spaces and improve opportunities to access this resource. There is a growing body of evidence demonstrating that physical exercise in open green space can have a positive impact on mental health and wellbeing. Good public transport and active travel links with open spaces should be made available, so that the public are not dependent on private vehicle use for visiting these sites.

#### *Important Public Views:*

Public Rights of Way: In areas where there would be a significant effect on PRoW, the network must also be considered in the landscape planning of development. The Neighbourhood Plan should include details of how the parishes work in partnership with KCC to record, maintain and develop the network. KCC welcomes the reference to the important visual connectivity given by the PRoW network and reference of individual PRoW for the views listed, however, the "Important Views Plan" should also reference the PRoW AE207 and AE202 for clarity and context.

### *Policy BAE NP3: Development in the Countryside*

Public Rights of Way: The County Council recommends inclusion of the following text: "*In areas where there would be a significant effect on PROW, the network must also be included within landscape planning*". Where PRoW would be directly affected by development proposals, plans should clarify intentions for positively accommodating, diverting or enhancing paths. It is requested that additional text is inserted into the supportive text stipulating that applicants for new developments engage with KCC at the earliest opportunity.

Heritage Conservation: The County Council refers back to commentary within the 'Environment' section and Section 4 above.

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<sup>6</sup> <https://www.kent.gov.uk/waste-planning-and-land/kent-landscape-information-system/resources/klis-landscape-character-resources2>

## Housing and Business

Digital Connectivity: In line with Government policy, KCC expects that all new homes are provisioned with gigabit-capable broadband connectivity. Reference should be included within the Neighbourhood Plan.

Sustainable Business and Communities: The County Council welcomes reference to the need to seek sustainable transport measures to serve new development and mitigate traffic impacts. Sufficient sustainable transport infrastructure, including cycling and walking infrastructure should provide transport connections within the community, which can link local amenities together. Replacing private vehicle journeys with active travel is to be encouraged.

### *Eureka Park*

KCC requests that Map 19 includes Public Footpaths AE210 and AU3 for clarification as they will feature in any development granted permission.

The County Council welcomes specific reference to the proposed improvements to the PRoW AE210 and AU3 to enable safe and attractive walking and cycling connections and links from new developments to community facilities. Increased use for business employment purposes will undoubtedly add to the pressure and importance of the surrounding PRoW network, as well as including cross parish boundary routes. It is critical therefore that some wording is included within this section to ensure suitable mitigation is delivered. This could include upgrades to existing routes or the creation of new path links that address network fragmentation issues. Map 20 should refer to PRoW AE210 and AU3.

### *Policy BAE NP5 Eureka Development*

Public Rights of Way: This policy should reflect the points above.

### *Policy BAE NP6 Small scale residential development within Boughton Lees*

Public Rights of Way: Reference should be made to the protection and enhancement of the PRoW network in Boughton Lees as there are both Public Footpaths and Byway Open to all Traffic in the area. This is in order to maintain and develop safe and attractive walking and cycling connections and links from new developments to community facilities. It should also mention that a section of the North Downs Way National Trail runs through this area.

### *Policy BAE NP7 Land at Eureka Place Local Centre*

Public Rights of Way: The County Council requests reference to the need for suitable infrastructure to develop safe walking and cycling routes both within a new development and connecting to the wider environment. Increasing levels of Active Travel participation improves public health and well-being, in addition to improving air quality by reducing short vehicle journeys and vehicle congestion. 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 is therefore a concern, as increased movements could introduce safety concerns for NMUs and potentially deter public use of the PRow network.

### Leisure, Wellbeing and Infrastructure

#### *Objectives*

Public Rights of Way: The County Council requests the following text is added as an objective: “to protect and enhance the PRow network and cycling routes to serve the Parish for Active Travel and leisure purposes”.

The provision of high quality open green spaces and opportunities for outdoor recreation should be a priority. The Neighbourhood Plan should aim to increase the provision of accessible green spaces and improve opportunities to access this resource. Good public transport and active travel links with open spaces should be made available, so that the public are not dependent on private vehicle use for visiting these sites.

Reference to the “*footpaths network*” should be amended to “*Public Rights of Way Network*”. Any reference to the North Downs Way should give the definition of its status as a National Trail.

With regards to Map 22, KCC welcomes the specific path references and the connections beyond the Neighbourhood Plan boundary.

#### *Policy BAE NP9 – Public Rights of Way*

Public Rights of Way: This policy should reflect KCC’s policy to improve and upgrade the PRow network where it links with amenities, public transport nodes, work and education to increase the attractiveness of walking, cycling and riding as an alternative to driving. There should also be specific mention of the ROWIP, which sets out a strategic approach for the protection and enhancement of PRow, connecting the wider community and green open spaces.

### Securing infrastructure

#### *Education Provision*

Education: Any additional education provision required due to new development in Boughton Aluph and Eastwell will need to be provided outside of the neighbourhood boundary.

#### *Primary School provision*

The neighbourhood of Boughton Aluph and Eastwell falls within the Ashford North primary planning group, which in total has eight primary schools, one infant school and one junior school. This planning group stretches from the town centre in the south, to Wye in the north

and across to Conningbrook in the east. One of the primary schools is located within the Boughton Aluph and Eastwell Neighbourhood - Goat Lees Primary School. This school is at capacity and on a small site so cannot be expanded. The ability to expand any of the primary schools in the Ashford North primary planning group is limited, therefore, KCC is planning for new primary school provision at Conningbrook Park - to which developer contributions will be directed.

#### *Secondary School Provision*

There is no secondary school located in the neighbourhood. Secondary school provision will be made at Towers Secondary School, which is just outside the Neighbourhood Plan boundary, as well as at the two grammar schools located in Ashford town centre.

*Waste Management:* KCC, as Waste Management Authority, is now actively seeking developer contributions for essential waste infrastructure to support housing growth in the Ashford District. A project to secure additional capacity at the Ashford Waste Transfer Station is underway, along with projects at neighbouring Household Waste and Recycling Facilities (HWRC) facilities to increase capacity. The County Council would welcome the Neighbourhood Plan supporting contributions from developments within their parishes.

The County Council would welcome the following amendment: *“The proposed Eureka Park development will have a profound effect on the facilities, services and transport network within the Parishes. It is important that all new development provides, or contributes towards, off-site infrastructure in relation to transport; primary and secondary education facilities, waste management facilities, open space and sports facilities.”*

#### **Section 6: Monitoring & Review**

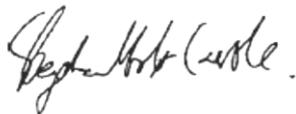
It is requested that the KCC is directly involved in future discussions regarding projects that will affect the PRoW network; as well as engagement to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

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The County Council will continue to engage with the Parish Council on the formulation and delivery of the Neighbourhood Plan and welcomes further engagement as the Plan progresses.

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

Yours faithfully,



**Stephanie Holt-Castle**

Interim Director – Environment, Planning and Enforcement