

PLANNING APPLICATIONS COMMITTEE

Wednesday, 27th May, 2020

10.00 am

Online





AGENDA

PLANNING APPLICATIONS COMMITTEE

**Wednesday, 27th May, 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 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. Plans and diagrams will not normally be accepted.

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Planning Applications Committee Virtual Meetings Protocol (Pages 1 - 6)
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 4 March 2020 (Pages 7 - 12)
5. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE DISPOSAL APPLICATIONS

1. Application TM/05/723/MR88/38 (KCC/TM/0141/2019) - Details of a revised restoration scheme pursuant to Condition 38 of Permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge; CEMEX UK Operations Ltd (Pages 13 - 40)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal DA/19/1549 (KCC/DA/0232/2019) - New tunnel (the Bean Road Tunnel) and associated road works to include bus, cycling and pedestrian access to the east of Bluewater Shopping Centre to link to Eastern Quarry development, including tree planting at land adjacent to Lake 5 and tunnel infilling at Bluewater Shopping Centre, Bluewater Parkway, Dartford, Greenhithe; KCC Major Capital Programme) (Pages 41 - 84)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 85 - 92)
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
5. Urgent Decisions taken under Delegated Powers (Pages 93 - 102)

F. KCC RESPONSE TO CONSULTATIONS

1. Lenham Neighbourhood Plan - Regulation 16 Consultation Submission Version (Pages 103 - 116)
2. Planning for growth on the Hoo Peninsula consultation (Pages 117 - 134)

3. Ashford BC - Fibre to the Premises (FTTP) Supplementary Planning Document (SPD) (Pages 135 - 138)

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

Monday, 18 May 2020

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

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From: Ben Watts, General Counsel
To: Planning Applications Committee – 27 May 2020
Subject: Protocols for Virtual Meetings
Classification: Unrestricted

1. Introduction

- (a) In line with provisions in the Coronavirus Act, regulations have come into force giving local authorities the ability to take a more flexible approach to holding meetings.
- (b) However, the core governance requirements for meetings remain. Notice still needs to be given for meetings and the Agendas need to be made available online. The public's right to observe meetings remains the same and so provision needs to be made for the public to hear the discussion and see it where possible as well.
- (c) The regulations are written so that each local authority can tailor their ability to hold virtual meetings to the technology they are able to put into place. Use of the technology needs to ensure the business of the Council can be conducted fairly and without any participant or observer being unduly disadvantaged.
- (d) Formal meetings held virtually are still formal meetings, and while the procedures and rules remain the same as when all Members are present in the same room, it will be a different way of working.

2. Protocols for Virtual Meetings

- (a) Each Committee is being asked to adopt a supplementary protocol to guide how virtual meetings will be run. These are geared to explaining how the requirements of the Constitution will be put into effect in a virtual setting.
- (b) Adopting this Protocol will enable Members to have a common point of reference and to understand how business will be conducted. For members of the public observing our virtual meetings, this will improve transparency and understanding of the democratic process.
- (c) The Protocol for this Committee is attached as an Appendix to this report.

3. Recommendation:

That in order to facilitate the smooth working of its virtual meetings, the Committee agrees to adopt the appended Protocol.

4. Background Documents

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) England and Wales) Regulations 2020 - SI 2020 392, <http://www.legislation.gov.uk/uksi/2020/392/contents/made>

5. Contact details

Report Author and Relevant Director:

Ben Watts, General Counsel 03000 416814

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Protocol for Meetings of the Planning Applications Committee held under SI 2020 392

General

1. Part Three of the Constitution (Standing Orders) shall continue to apply for all virtual meetings except where there is a requirement, implied or otherwise, for Members to be physically present in the same location.
2. These Protocols supplement but do not replace the Standing Orders in the Constitution and exist to make meetings held under SI 2020 392 more effective and efficient.
3. Reference to Chair or Clerk relate to the Chair or Clerk of the specific virtual meeting.
4. The Monitoring Officer or his deputies are available to assist and advise the Chair and the Clerk as necessary.
5. Members are respectfully reminded to ensure that the electronic device through which they are attending the virtual meeting has sufficient battery charge.

Rules of Conduct

6. The Chair's ruling on the meaning or application of these Protocols or any other aspect of the proceedings of a meeting held virtually cannot be challenged.
7. The Chair may give any direction, or vary these Protocols, when they consider it appropriate to do so in order to allow for the effective and democratic management of the meeting but must take advice from the Clerk before so doing.
8. Immediately before the commencement of the virtual meeting, all participants must switch the video and microphone settings to "off" and only turn them on when invited to speak by the Chair.
9. Members are reminded that any member of the public may observe the meeting.
10. The conversation function referred to in the Protocols is also known as the 'meeting chat'. Members should proceed as if the content can be viewed by participants and the wider public and only use the function for procedural matters as set out below. It should not be used to discuss the substantive issue – this should be done verbally.

Attendance

11. Members must affirm their presence by typing the word 'Present' in the conversation function of the meeting. This shall be accepted by the Clerk as the equivalent of the Member having signed the attendance list.
12. Where a Member is leaving the meeting permanently or temporarily, the word 'Absent' shall be typed in the conversation function. Where the Member joins the meeting once more, 'Present' shall be typed once more.
13. Only members who have been present for the entirety of an item shall be entitled to vote on that item.

14. Where a Member has declared a DPI or other interest which means they need to absent themselves for part of the meeting, the Member shall leave the meeting completely at the appropriate time. The Clerk shall email the Member when they are able to re-join. The Clerk will confirm the absence by checking the meeting attendees and confirming the same to the Chair.
15. The standard quorum of one third of the total voting membership applies and this number must have indicated they are 'Present' for the meeting to commence or continue. The Clerk will conduct electronic checks on quoracy periodically throughout the meeting.

Substitutes

16. In order to ensure that Members have access to the virtual meeting, it is requested that formal notification of substitutes to the Clerk be made at least 48 hours prior to the start of the meeting. The start time of the meeting will be affected if this is not done.

Speaking

17. Members and other participants in the meeting must wait to be called on by the Chair before speaking.
18. Attendees may indicate a desire to speak through use of the conversation function. The Clerk will ensure these are brought to the attention of the Chair in the order received.
19. Members not part of the Committee wishing to speak shall request permission from the Chair in advance so that the Clerk is informed 24-hours ahead of the meeting.

Motions and Amendments

20. Except where the motion before the Committee is set out in the Agenda, any Member is entitled to request that a motion or amendment before the Committee be typed out in the conversation function by the proposer. Where this is done, the Clerk shall read out the motion/amendment.
21. All proposed motions/amendments will need to be seconded by a Committee Member present in line with usual practice.
22. The Chair shall ask for Members' views on the motion/amendment. Where the view of the Committee is unclear, the Chair shall call for a vote.

Voting

23. Voting will be through a rollcall of all Members taken in alphabetical order, or through a poll overseen by the Clerk through the conversation function, with the Clerk announcing whether the motion/amendment was agreed or not agreed once this has concluded. The Chair will announce at the start of the meeting which of these methods is to be used.
24. Where a poll is the chosen method but is not able to take place, the Chair shall ask Members to record whether they are for, against, or abstaining in the conversation function. No response shall be taken as an abstention.

25. No votes shall be recorded in the Minutes unless sections 16.31, 16.32 or 17.33 of the Constitution apply.

Clerking

26. There will normally be a minimum of two Officers supporting the Chair and Committee during a virtual meeting. One will act as a facilitator to support the Chair. The other will be taking minutes.

Representations

27. 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.
28. A written transcript will normally be the only form of representation allowed.
29. To exercise a right of reply, the applicant will be provided with the transcript(s) provided under the above point two days ahead of the meeting and will provide a transcript of their reply the day before the meeting. This will be read out by the Clerk of the meeting at the appropriate point in the meeting.
30. Up to four representations may be permitted (including those made by the Parish Council and the Applicant (who has the right of reply)). Where more than this number of representations are received, the authors will be invited to agree a common presentation amongst themselves. Where this does not occur, the Chairman will decide whether to vary the number of representations under the circumstances.

Other Provisions

31. Where the minimum legal requirements apply and Members are only able to hear each other and be heard, the Chair shall be responsible for identifying speakers etc., and will be supported in this by the Clerk as facilitator. A rollcall shall be held at the start of the meeting, and at other times as deemed necessary by the Chair, to establish quoracy in these circumstances.

Part Two Meetings

32. At the start of any formal meeting, or part of any formal meeting, from which the press and public have been excluded in accordance with section 15.17 of the Constitution, Members shall type the words 'Present - Alone' to verify that no unauthorised person is able to hear, see, or otherwise participate in the meeting.
33. A Part Two meeting will normally be anticipated and will be scheduled in advance as a separate virtual meeting. Where the need to move into a Part Two meeting only becomes apparent during the meeting, the item affected should be adjourned to a later date.

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KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 4 March 2020.

PRESENT: 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 J Burden, Mr I S Chittenden, Mr J P McInroy (Substitute for Mr C Simkins), Mr H Rayner and Mr J Wright

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Ms M Green (Principal Planning Officer), Barton (Senior Transport and Development Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**7. Membership**

(Item A1)

The Committee noted the appointment of Mr A H T Bowles in place of Mrs P A V Stockell.

8. Minutes - 5 February 2020

(Item A4)

RESOLVED that the Minutes of the meeting held on 5 February 2020 are correctly recorded and that they be signed by the Chairman.

9. Site Meetings and Other Meetings

(Item A5)

The Committee agreed to undertake a Members' site tour of the application site and its environs at Covers Quarry, Westerham on either Monday, 4 May or Monday, 11 May 2020.

10. Proposal GR/951 (KCC/GR/0192/2019) - Proposed new build block to accommodate a 1 f.e expansion and demolition of existing buildings at St George's CE School, Meadow Road, Gravesend; KCC Education and Governors of St George's CE School

(Item D1)

(1) Mr J Burden informed the Committee that he was the Local Member for this application. As he had not commented on this application in this capacity or as a Borough Councillor, he was able to approach its determination with an open mind.

(2) The Head of Planning Applications Group reported that the applicants had amended their application to include solar panels. Accordingly, she recommended an additional condition requiring the applicants to provide details to the County Planning

Authority of their layout within three months of the permission and its subsequent implementation as approved. This was agreed.

(3) The Head of Planning Applications Group revised her recommended Landscaping condition so that it specified species suitable for bee pollination. This was agreed.

(4) During discussion of this item, the Committee agreed to add an additional condition requiring a condition survey of Meadow Road to enable any damage to be put right afterwards. It also added an Informative advising the School and the contractor that they should write to the residents of Meadow Road to let them know when significant movements were due to take place.

(5) On being put to the vote the recommendations of the Head of Planning Applications Group were unanimously agreed as amended in (2) to (4) above.

(6) RESOLVED that:-

- (a) permission be granted to the Proposal subject to conditions, including conditions covering a 3 year time limit for implementation; the development being carried out in accordance with the permitted details; the submission for approval of all materials to be used externally; the provision of a landscaping scheme, including additional tree planting, soft landscaping, hard surfacing and ecological enhancements (including species suitable for bee pollination) in accordance with the submitted details unless otherwise agreed; the adoption of tree protection methods, as shown on the submitted drawings, to protect those trees which are to be retained; the submission for approval of a detailed Bat Mitigation Strategy before demolition works commence on the H & Science (V) Block; no tree removal taking place during the bird breeding season; the implementation of the submitted School Travel Plan and adherence to the initiatives set out within it, its ongoing updating, monitoring and review. The Travel Plan must be published and updated via the County Council's "Jambusters" system; the submission for the written approval of the County Planning Authority of details of parking restrictions at the junction of Meadow Road with New House Lane prior to first occupation of the development. The applicant must thereafter make "best endeavours" to implement a Traffic Regulation Order (TRO) relating to those parking restrictions, with all cost of the TRO being borne by the applicant; the submission for approval of a Verification Report regarding the approved Sustainable Surface Water Drainage Scheme prior to occupation of the development; no infiltration of surface water drainage taking place into the ground other than with the approval of the County Planning Authority; measures to control development should land contamination be identified; hours of working during construction and demolition being restricted to between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; the construction of the development being carried out in strict accordance with the submitted Construction Management Strategy; no contractors' vehicles or other vehicles associated with the development (construction and demolition)

parking within the school staff car park or in Meadow Road; the provision of details for approval by the County Planning Authority of the layout of the solar panels within three months of the permission and subsequent implementation as approved; and the undertaking of a condition survey of Meadow Road to enable any damage to be put right afterwards; and

- (b) the applicants' be advised by Informative :-
- (i) of the letter from Highways and Transportation in which it is noted that it is the responsibility of the applicant to ensure that all necessary highway approvals and consents where required are obtained, including a Traffic Regulation Order;
 - (ii) of the letter from the Environment Agency in which advice is provided with regard to the disposal of waste material; and
 - (iii) that the School and the contractor should write to the residents of Meadow Road to let them know when significant movements are due to take place.

11. Matters dealt with under Delegated Powers

(Item E1)

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

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

12. KCC Response to Consultations

(Item F1)

(1) Mr M A C Balfour informed the Committee that he had been a Member of Tonbridge and Malling BC and that he would not participate in any discussion of or decision arising out of Item F3 (Tonbridge and Malling Borough Council – Local Plan Post Submission Consultation).

(2) Whilst noting Item F2, the Committee agreed by 12 vote to 0 with 1 abstention to ask the Chairman to write on its behalf to the Leader and Cabinet Portfolio Holder for Highways and Transport in respect of the problems likely to arise out of Swale BC's decision to reject £38m from the Government's Housing Infrastructure Fund for A249 improvements in the light of the Secretary of State for Communities' decision to uphold an appeal against non-determination and grant permission for a major housing development in the Borough.

(3) Whilst noting Item F3, the Committee agreed by 8 votes to 1 with 3 abstentions (*Mr Balfour took no part in the discussion and did not vote*) to ask the Committee Chairman to write to the Leader and Cabinet Member for Environment as set out in (4) below.

(4) RESOLVED :-

- (a) that the Chairman be requested to write on behalf of the Committee to the Leader and Cabinet Portfolio Holder for Highways and Transport in respect of the problems likely to arise out of Swale BC's decision to reject £38m from the Government's Housing Infrastructure Fund for A249 improvements in the light of the Secretary of State for Communities' decision to uphold an appeal against non-determination and grant permission for a major housing development in the Borough.
- (b) that the Chairman be requested to write to the Leader and Cabinet Portfolio Holder for the Environment setting out the Committee's view that the changes to the Tonbridge and Malling Borough Council Local Plan's Proposals Map ED22A are completely unacceptable and in clear contravention of the Kent Minerals and Waste Local Plan and that, in addition, the premature closure of the Borough Green Landfill site, the resultant loss of recycled secondary aggregates and the prospective loss of the landfill waste site is in conflict with the Kent Minerals and Waste Local Plan and that, accordingly Tonbridge and Malling BC has not met its duty to co-operate with the Minerals Planning Authority; and
- (c) to note Kent County Council's responses to the following consultations:-
 - (i) Application CA/19/00557/OUT Location - Land south of Osborne Gardens, Herne Bay Proposal - Outline application for proposed residential development for up to 180 dwellings with site access, open space and associated infrastructure following demolition of 2 no. dwellings;
 - (ii) Application SW/18/502190/EIHYB Location - Land North Quinton Road, Sittingbourne, Kent ME10 2SX Proposal - Full Planning Application - Phase 1 North – Erection of 91 dwellings accessed from Grovehurst Road, public open and amenity space (including an equipped children's play area) together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including infiltration basins and tanked permeable paving), utilities and service infrastructure works. Full Planning Application - Phase 1 South - Erection of 252 dwellings (including 34 affordable dwellings) accessed from Quinton Road, public open and amenity space, together with associated landscaping and ecological enhancement works, internal access roads, footpaths, cycleways and parking, drainage (including infiltration swales, ring soakaways, and permeable paving), utilities and service infrastructure works. Outline Planning Application - for up to 857 new dwellings (including 10%

affordable housing, subject to viability), a site of approximately 10 ha for a secondary and primary school, a mixed-use local centre, including land for provision of a convenience store, public open and amenity space (including equipped children's play areas), together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including a foul water pumping station and sustainable drainage systems), utilities and service infrastructure. All matters reserved, except for access for the school's site from Grovehurst Road;

- (iii) Tonbridge and Malling Borough Council - Local Plan Post Submission Consultation; and
- (iv) Thanet District Council Local Plan Main Modifications.

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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

Details of a revised restoration scheme pursuant to Condition 38 of planning permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38 (KCC/TM/0141/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 27 May 2020.

Application by CEMEX UK Operations Ltd for details of a revised restoration scheme pursuant to Condition 38 of planning permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38 (KCC/TM/0141/2019)

Recommendation: Approval be given conditionally.

Local Members: R Long, M Payne, S Hamilton and M Balfour

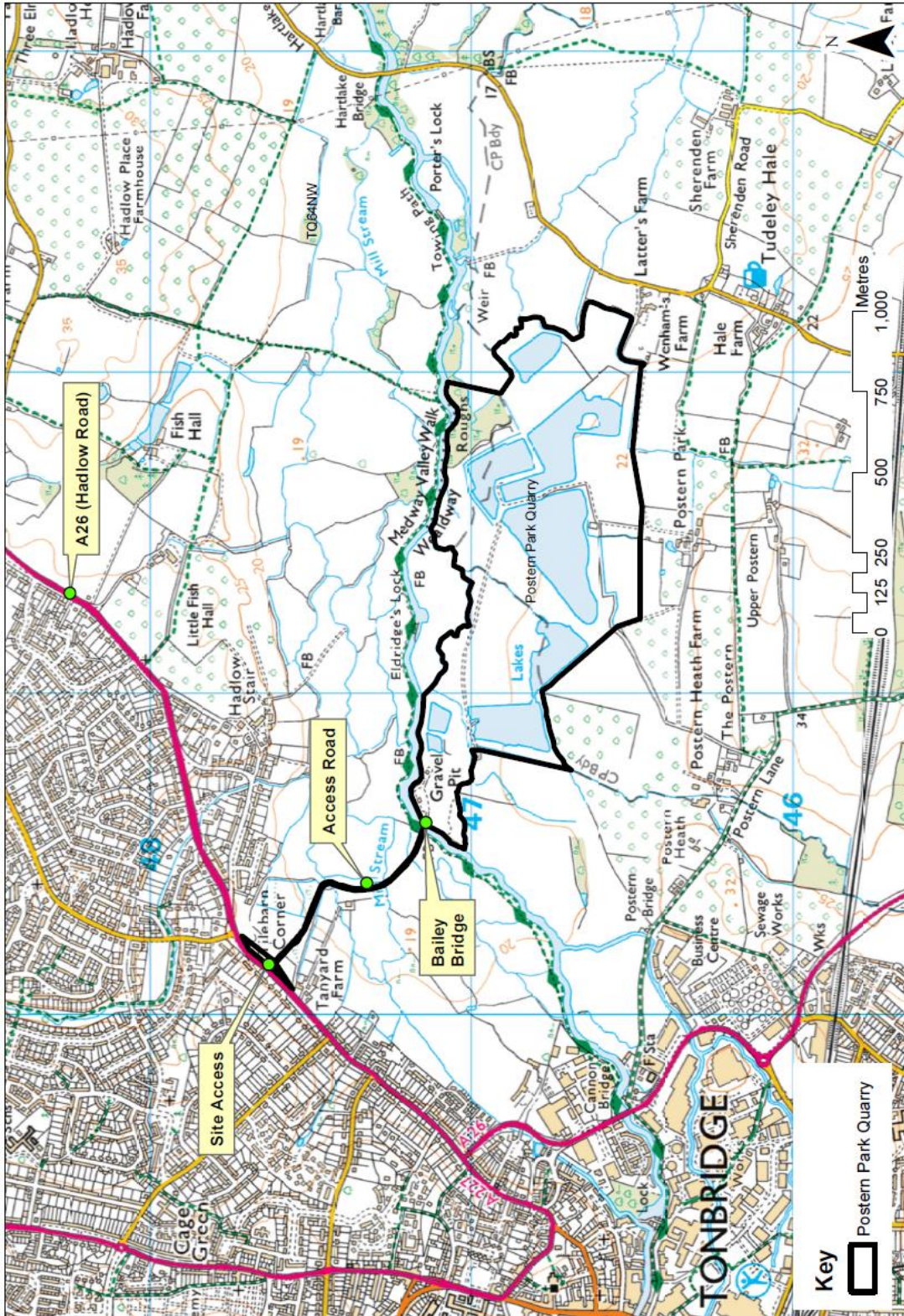
Unrestricted

Site Description

1. Postern Park Quarry lies to the east of Tonbridge and south of the River Medway within the Boroughs of Tonbridge and Malling and Tunbridge Wells. The former quarry is accessed from the A26 (Hadlow Road) via a purpose built haul road which crosses the River Medway on a bailey bridge just the west of the site. The land lies in the flood plain (Flood Zones 2 and 3) and is relatively flat, rising from 18m AOD in the east to about 19.5m AOD in the west (where the former plant site was located). The site is largely surrounded on all sides by agricultural land with orchards to the south west. An area of Ancient Woodland lies to the north east in part of the site unaffected by mineral working. The site and surrounding area also contains other areas of trees / woodland, hedgerows and other vegetation. There are no public rights of way within the site although Footpath MU32 follows the northern bank of the River Medway under the bailey bridge. The site lies within the Green Belt and the River Medway and area of Ancient Woodland lies within the East Tonbridge copses and dykes and River Medway Local Wildlife Site (LWS). The quarry lies within Groundwater Source Protection Zones (SPZs) 1, 2 and 3. The eastern end of the quarry (including part of the main eastern lake and recharge lagoon) lies within a SPZ1 (Inner Protection Zone). The rest of the main eastern lake lies within a SPZ2 (Outer Protection Zone). The remainder of the quarry (to the west) lies within a SPZ3 (Total Catchment). A high pressure gas pipeline crosses the centre of the site southwest to northeast on land not directly affected by mineral working or restoration works. It is understood that the land prior to mineral working was shown as undifferentiated Grade 3 land on the Agricultural Land Classification Map and of generally average agricultural quality.
2. The location of the application site and access is shown on the drawing on page C1.2.

Details of a revised restoration scheme pursuant to Condition 38 of planning permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38 (KCC/TM/0141/2019)

Site Location Plan



Details of a revised restoration scheme pursuant to Condition 38 of planning permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38 (KCC/TM/0141/2019)

Planning History and Background

3. Two planning permissions for sand and gravel working were granted at Postern Park in May 1980. TM/78/843 related to that part of the site in Tonbridge and Malling and TW/79/801 to that in Tunbridge Wells. The terms and conditions in the permissions were identical other than in respect of the land to which they related. A number of subsequent permissions and approvals were given. These related to details of the access road and bailey bridge (July 1985 and May 1986), dewatering of the overburden layer at the site (November 1986), a working and restoration scheme (July 1987), an amended landscaping scheme (October 1988), the proximity of mineral working to the Postern Stream (June 1989), dewatering of the working area down to the base of the gravel layer (May 1991), variations to the working and restoration scheme (March 1996) and a minor alteration to the working and restoration scheme (June 1999).
4. Planning permission TM/05/723/MR88 was granted in December 2005 under the mineral review (ROMP¹) provisions of the Environment Act 1995. This permission related to those parts of the quarry within both Boroughs and effectively updated the earlier conditions and schemes of working, restoration and aftercare. A further planning permission TW/05/2136 was granted at the same time which provided for the excavation of sand and gravel to form a groundwater recharge lagoon at the eastern end of the quarry. Planning permission TM/05/723/MR88 required extraction to cease by the end of 2015 and for the site to be fully restored within two years of the completion of extraction in accordance with the requirements of a revised restoration scheme (which condition 38 stated was to be submitted to and approved by KCC within 12 months of the date of the permission). An aftercare scheme was also required by condition 46 to be submitted for KCC's approval within 12 months of the date of the permission. The restoration scheme illustrated in 2005 (which was expected to form the basis for the revised scheme) is shown on drawing number P2/886/5 titled "Final Restoration" (dated January 2005). The location of the recharge lagoon is shown on drawing number P2/886/10 titled "Site Plan for Recharge Lagoon" (dated August 2005) and the extent of the final lake provided for by this is shown on drawing number P2/886/8F titled "Phase drawings – Removal of bunds and creation of lake" (dated June 2005). These are all included in Appendix 1.
5. An archaeological watching brief was approved pursuant to TW/05/2136 in June 2007 and details of a mechanism to control the discharge of silt in the recharge lagoon were approved pursuant to TM/05/723/MR88 in August 2007.
6. Mineral working at the quarry was undertaken by Cemex UK Materials Ltd, formerly known as Hall Aggregates (South East) Ltd and RMC South East. Extraction ceased in about 2009 and the site remained mothballed for a period of years. However, the revised restoration and aftercare schemes required by conditions 38 and 46 of TM/05/723/MR88 were not submitted until March 2014.

¹ Review of Old Mineral Permissions.

Details of a revised restoration scheme pursuant to Condition 38 of planning permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38 (KCC/TM/0141/2019)

7. Approval was given in November 2014 for a Revised Restoration Scheme and Aftercare Scheme pursuant to conditions 38 and 46 of TM/05/723/MR88. The Revised Restoration Scheme was necessary both to address (albeit belatedly) the requirement of condition 38 and as the quarry had not been fully worked and would not be completed as previously intended. The Aftercare Scheme was required to address condition 46 and reflect the restoration scheme that was proposed. The approved 2014 restoration scheme is shown on drawing number P2/886/5/D titled "Final Restoration" (dated October 2014) and drawing number P2/886/13 titled "Detail Restoration Sections" (dated March 2014). These are both included in Appendix 1.
8. The main difference between the restoration scheme envisaged in 2005 and that approved in 2014 was that the 2005 scheme assumed the vast majority of the permitted site would be worked (including the area of Ancient Woodland) and a single large lake provided in the eastern part of the site (with a small conservation island). Other parts of the quarry (including excavated water bodies and silt lagoons) were to be backfilled using overburden stripped from the working areas and restored to agriculture by re-spreading soils available on site. Trees and shrubs were to be planted around the lake and around the perimeter of the site and a hedgerow planted to subdivide the largest area of restored land. The 2014 scheme provides a slightly smaller lake in the eastern part of the site (which would be sub-divided by a north south causeway), a number of irregular shaped linear islands (reflecting the remains of internal haul routes within the mineral working area), an additional pond further east (reflecting the recharge lagoon which has been excavated since 2007) and an additional lake and a pond at the western end of the site (reflecting the fact that these areas would no longer be backfilled using indigenous overburden and soils). It also provides for a former silt disposal area to be retained as wetland and allowed to recolonise from reedbed and open water to wet woodland. New tree and shrub planting is also provided (including a number of hedgerows designed to sub-divide the agricultural land and provide field boundaries). As well as reflecting the fact that not all of the permitted mineral would be extracted (including the area of Ancient Woodland), the scheme also includes the retention of trees and vegetation that had regenerated naturally since mineral working ceased in different parts of the site.
9. Restoration commenced in July 2016 and the site has been restored to agriculture and a number of lakes / ponds although the access road and associated bridge over the River Medway and a further smaller bridge which crosses a small stream in the north western part of the site and a concrete slab which protects the high pressure gas pipeline which crosses the centre of the site southwest to northeast have yet to be removed since they may still be required to ensure the completion of restoration and aftercare. The restoration that has been undertaken does not accord with that approved in 2014 in a number of respects. The main differences were the inclusion of an additional pond to the north of the main arable restoration area, the retention of open water with wet woodland margins (as opposed to reedbed) in the former silt disposal area, the retention of recolonising grassland and wet woodland scrub on the south eastern margins of the eastern lake, the retention of margins and mature willow trees on the south western lake, the natural regeneration of the internal secondary haul road (retained as a longitudinal island feature), the retention of edge protection bunds at various locations around the site (including on both sides of the north south

Details of a revised restoration scheme pursuant to Condition 38 of planning permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38 (KCC/TM/0141/2019)

causeway which sub-divides the large south western lake) and a small soil stockpile (where woodland and scrub vegetation had developed). Other more detailed differences related to the precise location and extent of some of the proposed planting (e.g. some of the required planting was replaced by trees and other vegetation which had recolonised naturally, some was moved to create different field areas and a proposed hedgerow was not planted since it had effectively been replaced with another on a different alignment).

10. The above discrepancies, and a number of related issues, were identified as part of site monitoring undertaken by officers and also brought to the attention of KCC by the landowners. The landowners had also expressed concerns about the quality of some of the restoration that had been undertaken (e.g. soil depths). However, Cemex insists that the restoration was undertaken with correct soil depths and handling (i.e. a full 300mm topsoil profile for the restored arable and seeded areas within the site with soils handled appropriately and ripped after placement). Officers requested that unless the approved restoration scheme was to be implemented in full, a revised scheme should be submitted for consideration.
11. It should be noted that there is an ongoing dispute between the landowners and Cemex about the working and restoration that has been undertaken. This is explained further in the "Representations" section in paragraphs 39 to 49 below.

The Proposal

12. A revised restoration scheme was submitted pursuant to condition 38 of planning permission TM/05/723/MR88 in June 2019. This scheme sought to regularise the restoration that had been undertaken at the site and which is described in paragraph 9 above. The proposed revised restoration scheme submitted in June 2019 is shown on drawing number P2/886/5/G titled "Final Restoration" (dated July 2019) which is included in Appendix 1.
13. As a result of consultee responses, representations from the landowners and my own consideration of the proposals, the proposed scheme was further revised in December 2019. The main changes were: the removal of edge protection banks (bunds) and remnant stockpiles (including from the central causeway which sub-divides the main eastern lake and in the north western part of the site) and the regrading (lowering) of the causeway which sub-divides the main eastern lake and the creation of marginal shelves cut into the water level, both to improve the local landscape topography and drainage and provide materials to create more marginal wetland habitat on the north bank of the western lake; the removal of smaller heaps of scattered materials where mature vegetation canopies allow; the creation of additional shallows and reedbeds along the northern bank of the western lake to provide an additional area of priority marginal reedbed habit; corrections to the former silt pond to reflect the fact that it is proposed to comprise a balance of open water, marginal fringe and mature tree regeneration; and the relocation of the proposed field boundary between the central arable fields in order to retain an existing vegetation line (hedgerow) which has established though the area whilst not significantly affecting field size, shape or usability.

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14. The applicant also responded to other issues that had been raised. These included clarifying that an additional 3.11 hectares (ha) of agricultural land would be lost compared with the approved 2014 restoration scheme (whilst emphasising the net biodiversity benefits of what is now proposed) and accepting that a preliminary ecological appraisal (PEA) would be required if the edge protection banks and existing established vegetation were to be removed to ensure that any potential protected species presence is understood and appropriate mitigation measures implemented during the works (suggesting that this be secured by condition). It also stated that: the lake margins around the majority of the site were reinstated many years ago at the time of the original excavation and have subsequently recolonised without recourse to additional planting; natural colonisation from suitable adjacent areas may be more beneficial for local biodiversity than planting with imported stock; whilst some of the wet woodland planting blocks may lie above the normal water line, the native species mixes used will establish over both wetter and drier areas and, in time, wet woodland and scrub will rapidly colonise any suitable wetter areas; and the majority of the restoration planting shown on the drawings has already been undertaken at the sizes and spacing indicated on the approved drawing and that is not proposed to modify this on the revised submission. It also pointed out that some of the consultation responses sought amendments to the revised restoration scheme which were not mutually reconcilable and that it had therefore proposed amendments which it felt would (on balance) deliver bio-diversity gain. The proposed amended revised restoration scheme is shown on drawing number P2/886/5/H titled "Final Restoration" (dated December 2019) which is included in Appendix 1.
15. The applicant provided further information in January 2020 in response to issues raised by KCC Ecological Advice Service and KCC's Landscape Consultant. In respect of ecology, it stated (amongst other things): that the remaining restoration works relate to a very small part of the overall site (primarily on the causeway); the works to the causeway now reflect the approved 2014 scheme (which was not subject to further ecological survey or appraisal work); it has to comply with the Wildlife and Countryside Act 1981 regardless of any planning requirements; and that it accepts the need for a preliminary ecological appraisal (PEA) prior to the removal of edge protection banks and established vegetation but wishes to do this later in case of further delays (and would accept a condition to this effect). In respect of excavation and relocation of materials, it stated: excavation works for regrading around the eastern lakes (which lie within the SPZ1 and 2) would be undertaken in late summer when water levels are at their lowest to avoid hydrological issues; the causeway dividing the main eastern lake would be lowered and marginal shelves cut in at the appropriate higher winter water level; and that materials would only be directly placed along the northern bank of the water area in the west of the site (away from the SPZ1 and 2).

Planning Policy Context

16. **National Planning Policies** – the most relevant National Planning Policies are set out in the National Planning Policy Framework (NPPF) (May 2019) which is supported by the associated National Planning Practice Guidance (NPPG). These are material

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planning considerations.

17. **Kent Minerals and Waste Local Plan 2013-30 (July 2016)** – Policies CSM1 (Sustainable Development), DM1 (Sustainable Design), DM2 (Environmental and Landscape Sites of International, National and Local Importance), DM3 (Ecological Impact Assessment), DM4 (Green Belt), DM10 (Water Environment), DM11 (Health and Amenity), DM12 (Cumulative Impact), DM17 (Planning Obligations) and DM19 (Restoration, Aftercare and After-use).
18. **Tonbridge and Malling Borough Council LDF Core Strategy (September 2007)** – Policies CP1 (Sustainable development), CP3 (Green Belt), CP9 (Agricultural Land), CP10 (Flood Protection), CP14 (Development in the Countryside) and Policy CP24 (Achieving a High Quality of Life).
19. **Tonbridge and Malling LDF Managing Development and the Environment DPD (April 2010)** – Policies CC3 (Water environment), NE1 (Local sites of wildlife, geological and geomorphological interest), NE2 (Priority habitats), NE3 (Biodiversity), SQ1 (Landscape and Townscape Protection and Enhancement) and SQ4 (Air quality).
20. **Tunbridge Wells Borough Local Development Framework Core Strategy Development Plan Document (June 2010)** – Policies CP2 (Green Belt), CP4 (Environment), CP5 (Sustainable Design and Construction), CP8 (Retail, Leisure and Community Facilities Provision) and CP14 (Development in the Villages and Rural Areas).
21. **Tunbridge Wells Borough Site Allocations Local Plan (July 2016)** – Policy AL/STR1 (Limits to Built Development).
22. **Tunbridge Wells Borough Local Plan (2006) Remaining Saved Policies** – Policies EN1 (Development Control Criteria), EN13 (Trees and Woodland Protection), EN16 (Protection of Groundwater and other Watercourses), EN18 (Flood Risk), EN25 (Development Control Criteria for all Proposals Affecting the Rural Landscape) and MGB1 (Metropolitan Green Belt).
23. **Early Partial Review of the Kent Minerals and Waste Local Plan 2013-30 Pre-Submission Draft (November 2018)** – This has no direct bearing on the current application. The Early Partial Review of the Kent MWLP was subject to an independent examination between 8 and 15 October 2019 and the Inspector's Report was published on 23 April 2020. The Report concludes that the Plan is sound provided that a number of main modifications are made. The main modifications were discussed at the examination hearings, subject to sustainability appraisal and public consultation and considered by the Inspector along with any representations made on them. Given this, it is appropriate that substantial weight be given to the Plan in the period prior to its adoption.
24. **Kent Mineral Sites Plan Pre-Submission Draft (December 2018)** – This has no direct bearing on the current application. The Draft Mineral Sites Plan proposes to allocate an extension to Stonecastle Farm Quarry and a site at Moat Farm (to the east

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of Postern Park Quarry), both of which would be worked through Stonecastle Farm Quarry and use the existing access to that site. The Kent Mineral Sites Plan was subject to an independent examination between 8 and 15 October 2019 and the Inspector's Report was published on 23 April 2020. The Report concludes that the Plan is sound provided that a number of main modifications are made. The main modifications were discussed at the examination hearings, subject to sustainability appraisal and public consultation and considered by the Inspector along with any representations made on them. Given this, it is appropriate that substantial weight be given to the Plan in the period prior to its adoption.

25. **Tonbridge and Malling Borough Council Local Plan Regulation 19 Pre-Submission Publication (September 2018)** – Draft Policies LP1 (Presumption in Favour of Sustainable Development), LP11 (Designated Areas), LP13 (Local Natural Environment Designations), LP14 (Achieving High Quality Sustainable Design), LP17 (Flood Risk), LP18 (Sustainable Drainage), LP20 (Air Quality) and LP21 (Noise Quality).
26. **Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation Draft (20 September to 1 November 2019)** – Draft Policies STR2 (Presumption in favour of Sustainable Development), STR4 (Green Belt), STR8 (Conserving and Enhancing the Natural, Built and Historic Environment), STR10 (Limits to Built Development Boundaries), EN1 (Design and other Development Management Criteria), EN2 (Sustainable Design and Construction), EN5 (Climate Change Adaption), EN11 (Net Gains for Nature: Biodiversity), EN12 (Protection of Designated Sites and Habitats), EN14 (Trees, Woodlands, Hedges and Development), EN15 (Ancient Woodland and Veteran Trees), EN20 (Rural Landscape), EN22 (Agricultural Land), EN26 (Water Quality, Supply and Treatment), EN28 (Flood Risk), EN29 (Sustainable Drainage) and EN30 (Noise).

Consultations

27. **Tonbridge and Malling Borough Council** – No objection.
28. **Tunbridge Wells Borough Council** – No objection. TWBC's Landscape and Biodiversity Officer has commented that the scheme as amended in December 2019 is an improvement on that submitted in June 2019 but does not address his earlier comments relating to public access and longer term management (which had sought the inclusion of public access to the site and long term management). He states that the planning permission and approved scheme only require landscaping to be managed for two and / or five years whilst the approach being taken with some areas is now reliant upon a longer term strategy of regeneration and succession requiring a longer term vision and commitment. He believes that more modern / higher standards should be applied and that this would reflect Cemex's Sustainability Statement. He also comments that whilst it would appear that there are some restrictions on the creation of islands due to ground water protection zones, this would not preclude floating islands which could also include planted material to assist with improving water quality as well as providing nesting opportunities. He therefore suggests that further consideration is given to securing:

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- Public access and involvement;
 - Longer term management commitments and prescriptions; and
 - Floating islands.
29. **Hadlow Parish Council** – Notes the proposed revised restoration scheme.
30. **Capel Parish Council** – No comments received.
31. **Environment Agency** – No objection. It has additionally provided advice on the potential need for an Environmental Permit (if the deposit, transfer and/or treatment operations being undertaken are not subject to any other exemptions or authorisations) and advised that the operator would need to ensure that watercourses are protected and pollution risks are managed appropriately. It has also advised that several invasive non-native species (e.g. Giant Hogweed and Winter Heliotrope) are known to be locally present (either due to local knowledge and / or records) and that it is illegal to cause them to spread elsewhere into the wild or be introduced. It therefore provides guidance on potential biosecurity protocols.
32. **Natural England** – No objection. It advises that the revised scheme is unlikely to have significantly different impacts on the natural environment than the original.
33. **KCC Ecological Advice Service** – It is satisfied in principle with the scheme as amended in December 2019 and notes that it is proposed (in part) to allow the retention of habitats that had developed naturally before the approved 2014 scheme was implemented. Having initially raised concerns about the proposed loss of reed bed and wet woodland habitat (compared to the approved 2014 scheme), it supports the inclusion of additional reed bed habitat in the December 2019 amendment given that this is a priority habitat. However, it has advised that a preliminary ecological appraisal (PEA) should be required prior to determination to enable all potential protected species impacts to be taken into consideration when the application is determined and for the relative ecological benefits and impacts of removing the bund / edge protection banks to be weighed up. Having been advised that Cemex is unable to gain access to the site to undertake a PEA and may be unable to implement further restoration works at this stage, it has suggested that a condition be attached to any approval which would require the submission of a method statement for the protection of biodiversity (informed by an up to date PEA and (as necessary) protected species surveys) to be submitted for KCC's written approval. It has also supported some of the views expressed by TWBC's Landscape & Biodiversity Officer in respect of the desirability of longer term management commitments and prescriptions but notes that many of these would also apply to the approved 2014 scheme were it being considered now.
34. **KCC Landscape Consultant** – It supports the scheme as amended in December 2019. It notes that with the exception of the removal of the edge protection banks along the length of the causeway (to reduce its height and regrade the edges to create a shallower profile), the redistribution of excavated material to be used to create an additional reed-bed in the area and the removal of the edge protection banks adjacent

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to the water-course in the North-east corner of the site, the majority of the restoration works have already been implemented. It states that the regraded causeway (with its lower profile and softer, graded edges) would appear more integrated within the context of the wider landscape (particularly once it is colonised with vegetation), that the graded edges would provide valuable, marginal habitat (offering refuge for various mammals, birds, fish and terrestrial and aquatic invertebrate species), that the additional reed bed would enhance the mosaic of marginal and wetland habitats already established across the site and that removal of the edge protection banks would avoid the need for drainage channels (which would reduce the need for their long-term management). It advises that a preliminary habitat assessment should take place prior to the removal of any structures, that the operations should be timed to avoid bird nesting season and that excavation and relocation of materials should be undertaken to as to avoid groundwater contamination or silt pollution (in accordance with a simple method statement).

35. **Kent Wildlife Trust** – No comments received.
36. **Upper Medway Internal Drainage Board** – No comments received.
37. **Southern Gas Networks** – No specific comments received. It has provided advice on where to find details of its apparatus in the area and guidance on how works should be undertaken close to these.
38. **South East Water** – No comments received.

Representations

39. The landowners were notified and invited to comment on the proposal in July 2019 and again in December 2019. They were also notified of my intention to report the applicant to KCC's Planning Applications Committee for determination in February 2020. The landowners have responded on a number of occasions, both directly and via their legal representatives (DLA Piper UK LLP).
40. The landowners first advised that they were likely to take legal action against Cemex and were opposed to the proposed revised restoration scheme on 2 July 2019. As a result of that correspondence, Cemex was invited to withdraw the application. Cemex responded on 4 July 2019 stating that it continued to occupy the quarry, that the question of whether the owners had brought proceedings against Cemex was not relevant to the application and that KCC was to continue to process and determine the application.
41. On 6 August 2019, DLA Piper UK LLP advised that Cemex no longer had any land ownership interest in or control of the quarry as its lease on the quarry and tenancy at will on the terms of the lease had ceased. It stated that Cemex was no longer legally capable of implementing the approved 2014 restoration scheme, the scheme now proposed or any other scheme since it had no legal or beneficial interest that would enable it to do so and that responsibility for all restoration and aftercare liabilities would therefore rest with the landowners. DLA Piper UK LLP also stated that Cemex had

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been given 21 days to remove all its belongings and leave the quarry in a safe and secure state and that the landowners would contact KCC to discuss how best to address their obligations once Cemex had vacated the quarry and possession had been regained. It also made it clear that the landowners did not consent to the revised scheme and suggested that there was no point in KCC proceeding to the deal with the application.

42. On 9 August 2019 I informed DLA Piper UK LLP that KCC could not refuse to determine the application and that subject to its acceptability in land use planning and environmental terms it might be approved. However, I also sought the landowners' agreement to relay its concerns to Cemex and to suggest that the application be withdrawn.
43. On 12 August 2019, DLA Piper UK LLP further advised that it had asked Cemex to withdraw the application but had received no response.
44. On 14 August 2019, DLA Piper UK LLP agreed that KCC could release its 6 August 2019 letter to Cemex with a view to further suggesting that the application be withdrawn and enable any legal action to take its course or agreement be reached between relevant parties and a mutually acceptable restoration scheme provided to KCC for its determination. It also advised that if Cemex did not respond to its own correspondence accepting that it was in breach of the lease that litigation was likely to ensue against breaches of the lease.
45. On 14 August 2019 the landowners also wrote setting out their objections. They consider the proposed revised restoration scheme to be a lesser scheme which is unacceptable for the following main reasons:
 - smaller and less efficient area of land for cultivation;
 - poor quality restoration works;
 - lack of lake-side planting (including reed beds);
 - lake edge profiles do not comply with the approved designs and cross sections;
 - the retained bunds limit access for agricultural machinery; and
 - wet woodland has been planted well above the water line.
46. Cemex was asked to respond to the suggested withdrawal of the application but declined to do so. On that basis, I made the decision to continue processing the application to determination.
47. On 12 December 2019 DLA Piper UK LLP wrote to KCC reiterating that the proposed scheme was of no relevance as Cemex's very limited interest in the site was determined as a result of August 2019 notice and that it would never be in a position to implement the scheme. It also reiterated the landowners "very strong objection" to the scheme being approved. It further stated that the landowners were forced to act against Cemex due to concerns about: (i) the quality of the restoration works undertaken by Cemex to date; (ii) the number of omissions by reference to the 2014 scheme; and (iii) the delay in implementing the scheme which should have occurred by 2007 when Cemex's lease determined. It also advised that Cemex had been allowed

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to remain on site as a tenant at will after 2007 and that since 2009 that occupation was purely to deal with restoration issues. It pointed out that 12 years later the restoration is still incomplete and that the landowners have no confidence that Cemex will ever restore the site fully in accordance with any scheme. It further stated that it appreciates that KCC is caught in the middle of this dispute, requests strongly that KCC decline to approve scheme, advises that the landowners will be in touch concerning restoration and asks for further patience from KCC at this time.

48. On 27 February 2020 I wrote to DLA Piper UK LLP and the landowners informing them that I had secured advice from KCC's Solicitors (Invicta Law) which was that KCC should proceed to determine the application.
49. The landowners responded on 8 March 2020 stating that their previous comments continued to apply and that the arrangements set out in the application may adversely impact on the future sustainability of the farm.

Local Members

50. County Council Members Richard Long, Michael Payne (Tonbridge), Sarah Hamilton (Tonbridge Wells Rural) and Matthew Balfour (Malling Rural East) were notified in July 2019 and again in December 2019.
52. No comments have been received from the Local Members at the time of writing this report.

Discussion

53. The application is being reported to KCC's Planning Applications Committee for determination as planning objections have been received from the landowners.
54. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of this application, the development plan policies outlined in paragraphs 17 to 22 above are of most relevance. Material planning considerations include the national planning policies referred to in paragraph 16 and the draft development plan policies in paragraphs 23 to 26.
55. The main issues in this case are:
 - whether KCC should determine the application given the strong opposition of the landowners; and
 - the acceptability of the proposed revised restoration scheme having regard to the scheme approved in 2014.

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

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Should KCC should determine the application given the strong opposition of the landowners?

56. As noted above, the landowners and their legal representatives have objected strongly to the proposed revised restoration scheme and have requested that KCC not determine the application.
57. KCC's Solicitors (Invicta Law) have been asked to provide advice in respect of these representations. Invicta Law has advised that it cannot see any legal basis for not proceeding to determine the application. It states that an application can be made by any person, whether or not they are the owner of the land or even hold any interest in the land, and that there is no requirement that the application must be made by, or with the approval of, the landowner.
58. Cemex has been asked to withdraw the application but has declined to do so and has requested that the application be determined. Whilst it has agreed to a number of extensions of time for the determination of the application (most recently until 26 June 2020), it is not clear whether further agreement would be forthcoming. Should the application not be determined by this date and no further extension of time be agreed, Cemex (as applicant) could appeal against non-determination. In such circumstances, the matter would be determined by the Planning Inspectorate or Secretary of State for Communities and Local Government. The administrative costs associated with any appeal would need to be borne by KCC as Mineral Planning Authority, as would KCC's own costs of participation (including any planning and legal costs). The likelihood of costs being awarded against KCC (for not determining the application in time) would be dependent on whether it had acted unreasonably in not doing so. Assessing any risk associated with this is difficult to quantify. However, the question of the acceptability or otherwise of what is proposed would have some bearing on this.
59. Whilst the contractual arrangements and dispute between the landowners and Cemex is clearly both regrettable and unhelpful, it is not technically a planning issue. Given the advice from Invicta Law, I see no reason not to report the application nor for it to be determined. The question of which of the schemes is to be implemented (assuming the proposed revised restoration scheme is approved) is a matter for the landowners and Cemex. It is worth noting that compliance with the 2014 scheme would be more onerous since significant further land remodelling work would be required than would be required by the proposed revised restoration scheme.

Is the proposed revised restoration scheme acceptable having regard to the scheme approved in 2014?

60. Paragraph 204 of the NPPF states (amongst other things) that planning policies should ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place. Paragraph 205 states that when considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment and that restoration and aftercare is provided for at the earliest opportunity and to high environmental standards through the application of appropriate conditions. Paragraph

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146 states that mineral extraction is not inappropriate in the Green Belt provided it preserves openness and does not conflict with the purposes of including land within it. Paragraph 163 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 and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside, 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 and 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 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.

61. The National Planning Practice Guidance for Minerals (the Minerals PPG) includes further guidance on the restoration and aftercare of mineral sites. It reinforces the desirability of ensuring that land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place. Amongst other things, it states that separate planning permission is likely to be required for most forms of after-use except agriculture and forestry, nature conservation and informal recreation which does not involve substantial public use.
62. The restoration of mineral sites to the highest possible standard to sustainable after-uses that benefit the Kent community economically, socially or environmentally and, where possible, with after-uses which conserve and improve local landscape character and incorporate opportunities for biodiversity is one of the strategic objectives of the Kent Minerals and Waste Local Plan (MWLP) and is consistent with its spatial vision. The key restoration, aftercare and after-use requirements for mineral sites are set out in Policy DM19 of the Kent MWLP. Policy DM19 states that satisfactory provision should be made for high standards of restoration and aftercare such that the intended after-use of the site is achieved in a timely manner and that restoration plans should be submitted with the planning application which reflect the proposed after-use and include appropriate details. These include: a site-based landscape strategy for the restoration scheme; the key landscape and biodiversity opportunities and constraints ensuring connectivity with surrounding landscape and habitats; the geological, archaeological and historic heritage and landscape features and their settings; consideration of land stability after restoration; details of the proposed final landform; types, quantities and source of soils or soil making materials to be used; proposals for meeting targets or biodiversity gain; planting of new native woodlands; details of the seeding of grass and planting of trees, shrubs and hedges; and a programme of aftercare to include details of vegetation establishment, vegetation management and biodiversity habitat management. It also states that aftercare schemes should incorporate an aftercare period of at least five years.
63. Policy DM1 of the Kent MWLP supports sustainable development and states that proposals will be required to demonstrate that they have been designed to protect and enhance the character and quality of the site's setting and its biodiversity interests or

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mitigate and if necessary compensate for any loss and minimise the loss of Best and Most Versatile Agricultural Land. Policy DM2 states that proposals for minerals development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national and local importance. Policy DM3 states that proposals for minerals development will be required to ensure that it results in no unacceptable adverse impacts on Kent's important biodiversity assets (such as European and nationally protected species and habitats and species of principal importance for the conservation of biodiversity / Biodiversity Action Plan habitats and species). It also states that proposals that are likely to have unacceptable adverse impacts upon important biodiversity assets will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted planning permission following: (1) an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys; (2) consideration of the need for, and benefits of, the development and the reasons for locating the development in its proposed location; (3) the identification and securing of measures to mitigate any adverse impacts (direct, indirect and cumulative); (4) the identification and securing of compensatory measures where adverse impacts cannot be avoided or mitigated for; and (5) the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity.

64. Policy DM4 of the Kent MWLP states that proposals for minerals and waste development within the Green Belt will be considered in light of their potential impacts, and shall comply with national policy and the NPPF. Policy DM10 states that planning permission will be granted for minerals development where it would not result in the deterioration of physical state, water quality or ecological status of any water resource and water body (including rivers, streams, lakes and ponds), have an unacceptable impact on groundwater Source Protection Zones (SPZs) or exacerbate flood risk. Policy DM17 states that planning obligations will be sought where appropriate, to achieve suitable control over, and to mitigate and / or compensate for, the effects of minerals development where such objectives cannot be achieved by planning conditions and that matters to be covered by such planning obligations may include long term management and monitoring of mitigation or compensation sites and their protection from further development.
65. These issues are also addressed in so far as they relate to development more generally in the adopted and emerging policies of the Tonbridge and Malling and Tunbridge Wells Local Plans referred to in paragraphs 18 to 22, 25 and 26 above. The draft policies in the Early Partial Review of the Kent MWLP and the Kent Mineral Sites Plan (referred to in paragraphs 23 and 24 above) are of no direct relevance in this case.
66. In approving the Revised Restoration Scheme and associated Aftercare Scheme in 2014, KCC has already determined them to be acceptable. The issue now is whether the proposed amendments are themselves acceptable.

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67. As noted in paragraph 12 above, the further revised restoration scheme submitted in June 2019 sought approval for the restoration that had been undertaken in 2016. However, the June 2019 scheme was considered to be unacceptable for a number of landscape and ecological related reasons which are referred to in paragraph 13 above. The changes proposed in December 2019 reintroduced some of the elements of the 2014 restoration scheme (which had been removed) and served to reduce the difference between the approved and proposed schemes. The main differences remaining between the two were the inclusion of an additional pond to the north of the main arable restoration area (the former balancing pond), the retention of open water with wet woodland margins (as opposed to reedbed) in the former silt disposal area (to reflect the reality on the ground), the retention of recolonising grassland and wet woodland scrub on the south eastern margins of the eastern lake (as opposed to an extension to the adjoining arable land) and the introduction of reedbed to the northern end of the western lake once regrading works have been undertaken. Other more detailed differences include the precise location and extent of some of the proposed planting (some is replaced by trees and other vegetation which have recolonised naturally), the retention of an existing hedgerow sub-dividing the main arable area (as opposed to the planting of a new hedgerow about 100m further west), the retention of some former soil stockpiles (where their removal would be likely to significantly affect the natural regeneration which has occurred since their placement) and the provision of steeper bank profiles in places in the main lake (to avoid the removal of further vegetation which has regenerated naturally). The amount of land restored to agricultural use would also be reduced by about 3.11ha.
68. In considering any changes to the approved 2014 restoration scheme it is important to note that the ability to significantly alter the restoration associated with the main lake at the eastern end of the site (including the causeway) is limited by the presence of the aquifer (SPZ1 and 2) which prevents the placement of restoration materials against the lake edges. It should also be noted that requiring significant changes more generally would also be likely to further disturb the site (including the natural regeneration that has occurred and restoration and planting already undertaken).
69. The proposed restoration scheme (as amended in December 2019) is supported by KCC's Landscape Consultant for the reasons set out in paragraph 34 above and I concur with its opinion.
70. KCC Ecological Advice Service is also satisfied in principle although it would prefer to see a preliminary ecological appraisal (PEA) submitted prior to determination to enable all potential protected species impacts to be taken into consideration and for the relative ecological benefits and impacts of removing the bund / edge protection banks associated with the central causeway to be weighed up. However, it has also advised that if this is not possible, the matter should be addressed by the imposition of a condition requiring the submission of a method statement for the protection of biodiversity informed by an up to date PEA and (as necessary) protected species surveys for KCC's written approval before the works take place and for the method statement to be implemented as approved thereafter. Given that the works could take place under the terms of the approved 2014 restoration scheme without the need for such a submission, as compliance with the Wildlife and Countryside Act 1981 would

Details of a revised restoration scheme pursuant to Condition 38 of planning permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38 (KCC/TM/0141/2019)

still be necessary and as the applicant has advised that it is currently unable to access the site to undertake a PEA or other surveys, I am content with this approach. In the event that the PEA demonstrates that the works on the causeway should not proceed as proposed for ecological reasons further changes to the restoration scheme may be necessary.

71. TWBC's Landscape and Biodiversity Officer has suggested that further consideration be given to securing public access and involvement, longer term management and floating islands. Whilst these are good ideas in principle, and would merit detailed consideration if a new planning application for mineral working were being considered, I do not consider them to be reasonable or justified in this case. The mineral permission does not require public access nor management of the site beyond the 5-year aftercare period. Both of these would require the agreement of the applicant and landowner and need to be subject to legal agreement. The desirability of floating islands is something which could be considered outside the scope of the mineral permission and the current proposal.
72. Although the landowners have stated that the proposal may adversely impact on the future sustainability of the farm, no specific evidence has been presented to support this assertion. No details have been included as part of the current submission as to the quality of the land prior to mineral working or since the restoration undertaken in 2016. However, information provided as part of the ROMP application in 2005 indicated that the land prior to mineral working was shown as undifferentiated Grade 3 land on the Agricultural Land Classification Map and of generally average agricultural quality. That part of the permitted mineral site to the south of the main lake, which it is understood was better quality Grade 2 agricultural land, was not worked and was therefore not directly affected. Since it is unclear whether the Grade 3 land which was affected by mineral working fell within sub-Grade 3b it is not possible to say whether it was Best and Most Versatile (BMV). On that basis, I am unable to conclude that there would be a loss of BMV agricultural land. Similarly, no assessment has been made of the impact of the planting being in slightly different places than approved in 2014 nor of the implications of the existing hedgerow sub-dividing the main arable area being retained as opposed to the planting of a new hedgerow about 100m further west. Any disbenefits that may arise need to be considered in the context of the ecological benefits associated with what is now proposed.
73. Any of the other deficiencies alleged by the landowners to have occurred with the restoration that was undertaken during or prior to 2016 (such as the quality of the restoration itself and whether it was all completed) do not directly impact on the acceptability or otherwise of what is now proposed and the planning considerations for the current application. These alleged deficiencies fall to be considered in terms of compliance with the Restoration Scheme and Aftercare Scheme approved in 2014 (or, if approved, the restoration scheme now proposed). These are matters that can be pursued and addressed independently as necessary, although it is complicated by the ongoing dispute between the applicant and landowners.

Details of a revised restoration scheme pursuant to Condition 38 of planning permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38 (KCC/TM/0141/2019)

Conclusion

74. Having regard to consultee responses and all relevant issues, I am satisfied that there is no reason not to approve the proposed revised restoration scheme subject to the imposition of a condition to secure the submission of a method statement for the protection of biodiversity informed by an up to date PEA and (as necessary) protected species surveys for KCC's written approval before the works take place and for the method statement to be implemented as approved. If approval is given it will ultimately be for the landowners to decide whether the revised scheme is implemented or if they would prefer to rely on that approved in 2014. The dispute between the landowners and applicant is a matter for them to resolve (through the courts as necessary) and only once that has happened is it likely that there will be certainty on the form of the final restoration at the site. Until that time, I do not consider it desirable for KCC to take action to require further works on site.

Recommendation

75. I RECOMMEND that the application BE APPROVED SUBJECT TO a condition to secure the following:
- No further works taking place (including ground works and vegetation clearance) until a method statement for the protection of biodiversity has been submitted to and approved in writing by KCC. The method statement, which shall be informed by an appended up-to-date preliminary ecological appraisal (PEA) and (as necessary) protected species surveys, shall be implemented as approved.

And the following informative:

- You are advised that if the PEA and protected species surveys indicate that some or all of the further works are ecologically unacceptable, it will be necessary for the restoration scheme to be revisited and further revised.

Case Officer: Jim Wooldridge

Tel. no. 03000 413484

Background Documents: see section heading.
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Appendix 1 to Item C1

Details of a revised restoration scheme pursuant to Condition 38 of planning permission TM/05/723/MR88 at Postern Park Quarry, Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38 (KCC/TM/0141/2019)

See separate Appendix 1 which contains the following drawings that are referred to in this report:

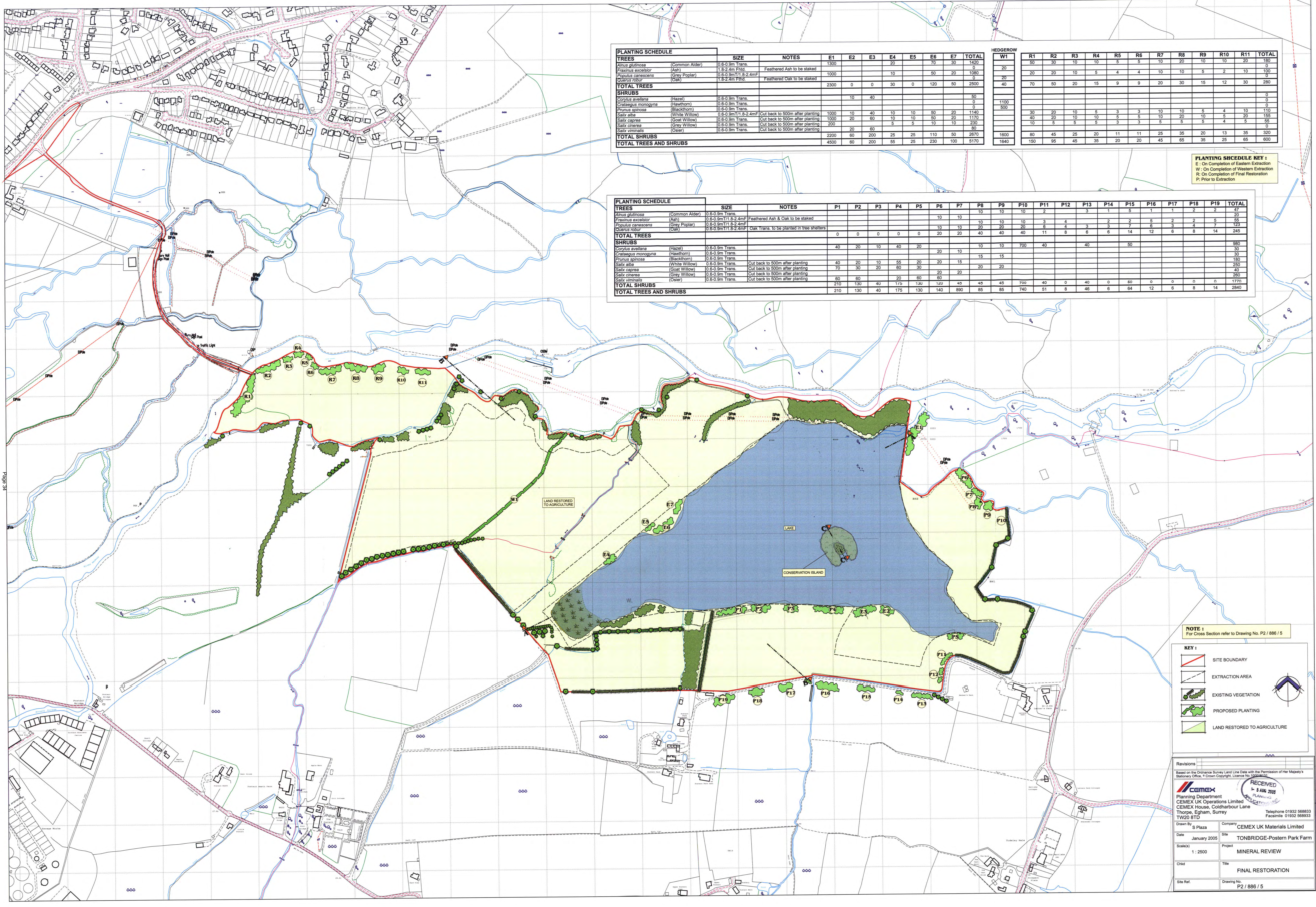
- Drawing number P2/886/5 titled “Final Restoration” (dated January 2005).
- Drawing number P2/886/10 titled “Site Plan for Recharge Lagoon” (dated August 2005).
- Drawing number P2/886/8F titled “Phase drawings – Removal of bunds and creation of lake” (dated June 2005).
- Drawing number P2/886/5/D titled “Final Restoration” (dated October 2014).
- Drawing number P2/886/13 titled “Detail Restoration Sections” (dated March 2014).
- Drawing number P2/886/5/G titled “Final Restoration” (dated July 2019).
- Drawing number P2/886/5/H titled “Final Restoration” (dated December 2019).

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Appendix 1 to Item C1
Details of a revised restoration scheme pursuant to Condition 38 of
planning permission TM/05/723/MR88 at Postern Park Quarry,
Hadlow Road, Tonbridge, Kent TN9 1PD - TM/05/723/MR88/38
(KCC/TM/0141/2019)

Appendix 1 contains the following drawings that are referred to in the
committee report:

- Drawing number P2/886/5 titled “Final Restoration” (dated January 2005).
- Drawing number P2/886/10 titled “Site Plan for Recharge Lagoon” (dated August 2005).
- Drawing number P2/886/8F titled “Phase drawings – Removal of bunds and creation of lake” (dated June 2005).
- Drawing number P2/886/5/D titled “Final Restoration” (dated October 2014).
- Drawing number P2/886/13 titled “Detail Restoration Sections” (dated March 2014).
- Drawing number P2/886/5/G titled “Final Restoration” (dated July 2019).
- Drawing number P2/886/5/H titled “Final Restoration” (dated December 2019).



PLANTING SCHEDULE		SIZE	NOTES	E1	E2	E3	E4	E5	E6	E7	TOTAL
TREES											
<i>Alnus glutinosa</i>	(Common Alder)	0.6-0.9m Trans.		1300			20		70	30	1420
<i>Fraxinus excelsior</i>	(Ash)	1.8-2.4m Trans.	Feathered Ash to be staked	1000					50	20	1080
<i>Populus canescens</i>	(Grey Poplar)	0.6-0.9m/1.8-2.4mF									0
<i>Quercus robur</i>	(Oak)	1.8-2.4m 1/8-2.4mF	Feathered Oak to be staked				30	0	120	50	250
TOTAL TREES				2300	0	0	30	0	120	50	2500
SHRUBS											
<i>Corylus avellana</i>	(Hazel)	0.6-0.9m Trans.			10	40					50
<i>Crataegus monogyna</i>	(Hawthorn)	0.6-0.9m Trans.									0
<i>Prunus spinosa</i>	(Blackthorn)	0.6-0.9m Trans.									0
<i>Salix alba</i>	(White Willow)	0.6-0.9m/1.8-2.4mF	Cut back to 500m after planting	1000	10	40	10	10	50	20	1140
<i>Salix caprea</i>	(Goat Willow)	0.6-0.9m Trans.	Cut back to 500m after planting	20	60	10	10	50	20	10	1170
<i>Salix cinerea</i>	(Grey Willow)	0.6-0.9m Trans.	Cut back to 500m after planting	200			5	5	10	10	230
<i>Salix viminalis</i>	(Osier)	0.6-0.9m Trans.	Cut back to 500m after planting		20	60					80
TOTAL SHRUBS				2200	60	200	25	25	110	50	2870
TOTAL TREES AND SHRUBS				4500	60	200	55	25	230	100	5170

HEDGEROW		R1	R2	R3	R4	R5	R6	R7	R8	R9	R10	R11	TOTAL
W1		50	30	10	10	5	5	10	20	10	10	20	180
		20	20	10	5	4	4	10	10	5	2	10	100
		20											0
		40	50	20	15	9	9	20	30	15	12	30	280
													0
													0
		30	20	10	5	3	3	10	10	5	4	10	110
		40	20	10	10	5	5	10	20	10	5	20	155
		10	5	5	5	3	3	5	5	4	5	5	55
													0
		60	45	25	20	11	11	25	35	20	13	35	320
		150	95	45	35	20	20	45	65	35	25	65	600

PLANTING SCHEDULE KEY :
 E : On Completion of Eastern Extraction
 W : On Completion of Western Extraction
 R : On Completion of Final Restoration
 P : Prior to Extraction

PLANTING SCHEDULE		SIZE	NOTES	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	P12	P13	P14	P15	P16	P17	P18	P19	TOTAL	
TREES																								
<i>Alnus glutinosa</i>	(Common Alder)	0.6-0.9m Trans.							10	10	10	10	10	2										47
<i>Fraxinus excelsior</i>	(Ash)	0.6-0.9m/1.8-2.4mF	Feathered Ash & Oak to be staked											3	4		2	2	5	2	2	5	55	
<i>Populus canescens</i>	(Grey Poplar)	0.6-0.9m/1.8-2.4mF							10	10	20	20	6	4	3	3	7	6	3	4	7		123	
<i>Quercus robur</i>	(Oak)	0.6-0.9m/1.8-2.4mF	Oak Trans. to be planted in tree shelters						20	20	40	40	11	8	8	8	14	12	6	8	8	14	245	
TOTAL TREES				0	0	0	0	0	20	20	40	40	11	8	8	8	14	12	6	8	8	14	245	
SHRUBS																								
<i>Corylus avellana</i>	(Hazel)	0.6-0.9m Trans.		40	20	10	40	20																680
<i>Crataegus monogyna</i>	(Hawthorn)	0.6-0.9m Trans.							20	10														30
<i>Prunus spinosa</i>	(Blackthorn)	0.6-0.9m Trans.																						180
<i>Salix alba</i>	(White Willow)	0.6-0.9m Trans.	Cut back to 500m after planting	40	20	10	55	20		15														250
<i>Salix caprea</i>	(Goat Willow)	0.6-0.9m Trans.	Cut back to 500m after planting	70	30	20	60	30		20														40
<i>Salix cinerea</i>	(Grey Willow)	0.6-0.9m Trans.	Cut back to 500m after planting						20	20														260
<i>Salix viminalis</i>	(Osier)	0.6-0.9m Trans.	Cut back to 500m after planting	60	60	20	60	60																1770
TOTAL SHRUBS				210	130	40	175	130	120	45	45	45	700	40	0	40	0	60	0	0	0	0	0	1770
TOTAL TREES AND SHRUBS				210	130	40	175	130	140	890	85	85	740	51	8	46	6	64	12	6	8	14	2840	

NOTE :
 For Cross Section refer to Drawing No. P2 / 886 / 5

KEY :

- SITE BOUNDARY
- EXTRACTION AREA
- EXISTING VEGETATION
- PROPOSED PLANTING
- LAND RESTORED TO AGRICULTURE

Revisions

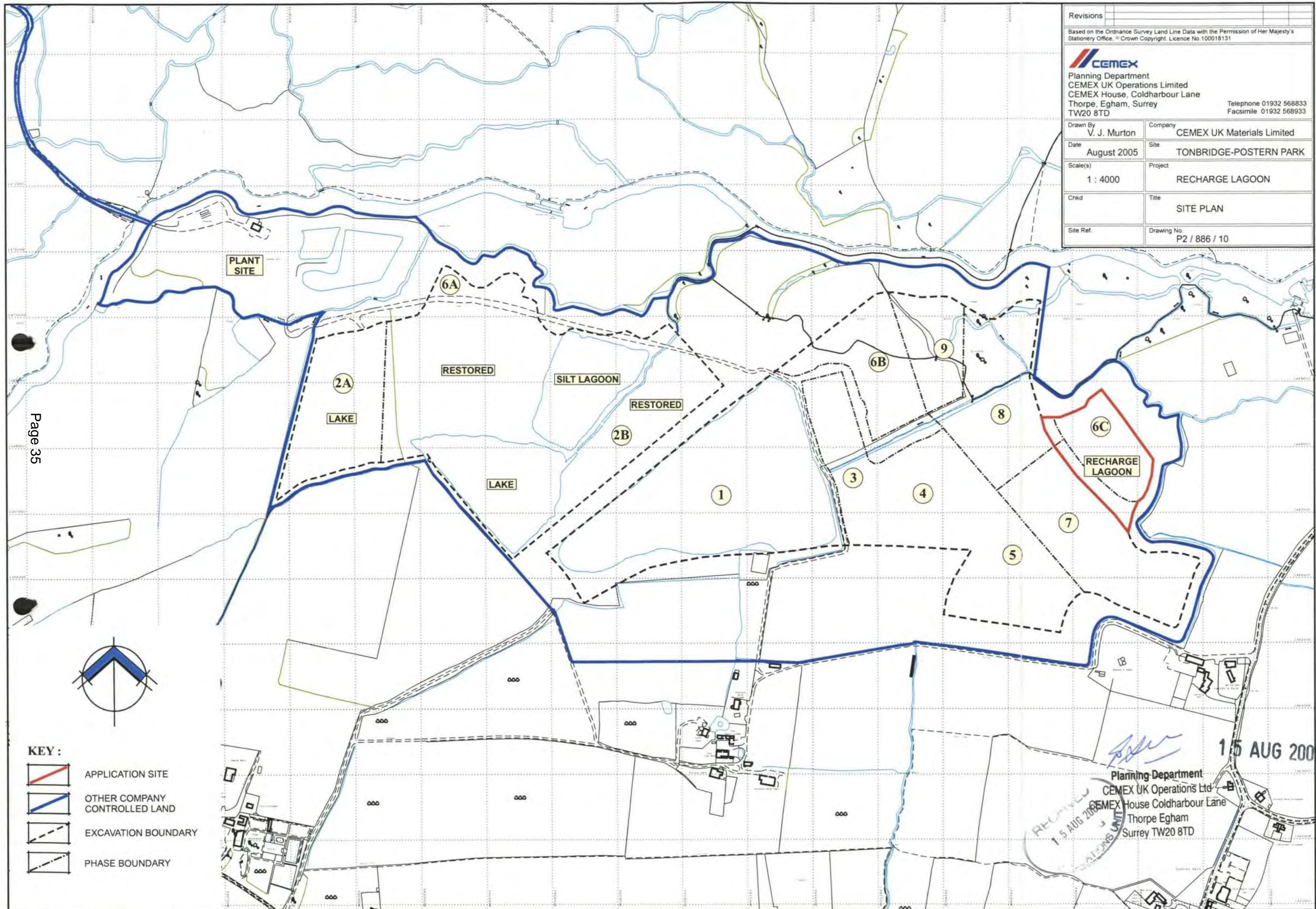
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 Telephone 01932 568833
 Facsimile 01932 568933

Drawn By: S Plaza Company: CEMEX UK Materials Limited
 Date: January 2005 Site: TONBRIDGE-Postern Park Farm
 Scale(s): 1 : 2500 Project: MINERAL REVIEW
 Check: Title: FINAL RESTORATION
 Site Ref.: Drawing No: P2 / 886 / 5

Revisions	
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Telephone 01932 568833 Facsimile 01932 568933	
Drawn By V. J. Murton	Company CEMEX UK Materials Limited
Date August 2005	Site TONBRIDGE-POSTERN PARK
Scale(s) 1 : 4000	Project RECHARGE LAGOON
Chkd	Title SITE PLAN
Site Ref.	Drawing No. P2 / 886 / 10



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- KEY :**
- APPLICATION SITE
 - OTHER COMPANY CONTROLLED LAND
 - EXCAVATION BOUNDARY
 - PHASE BOUNDARY

15 AUG 2005

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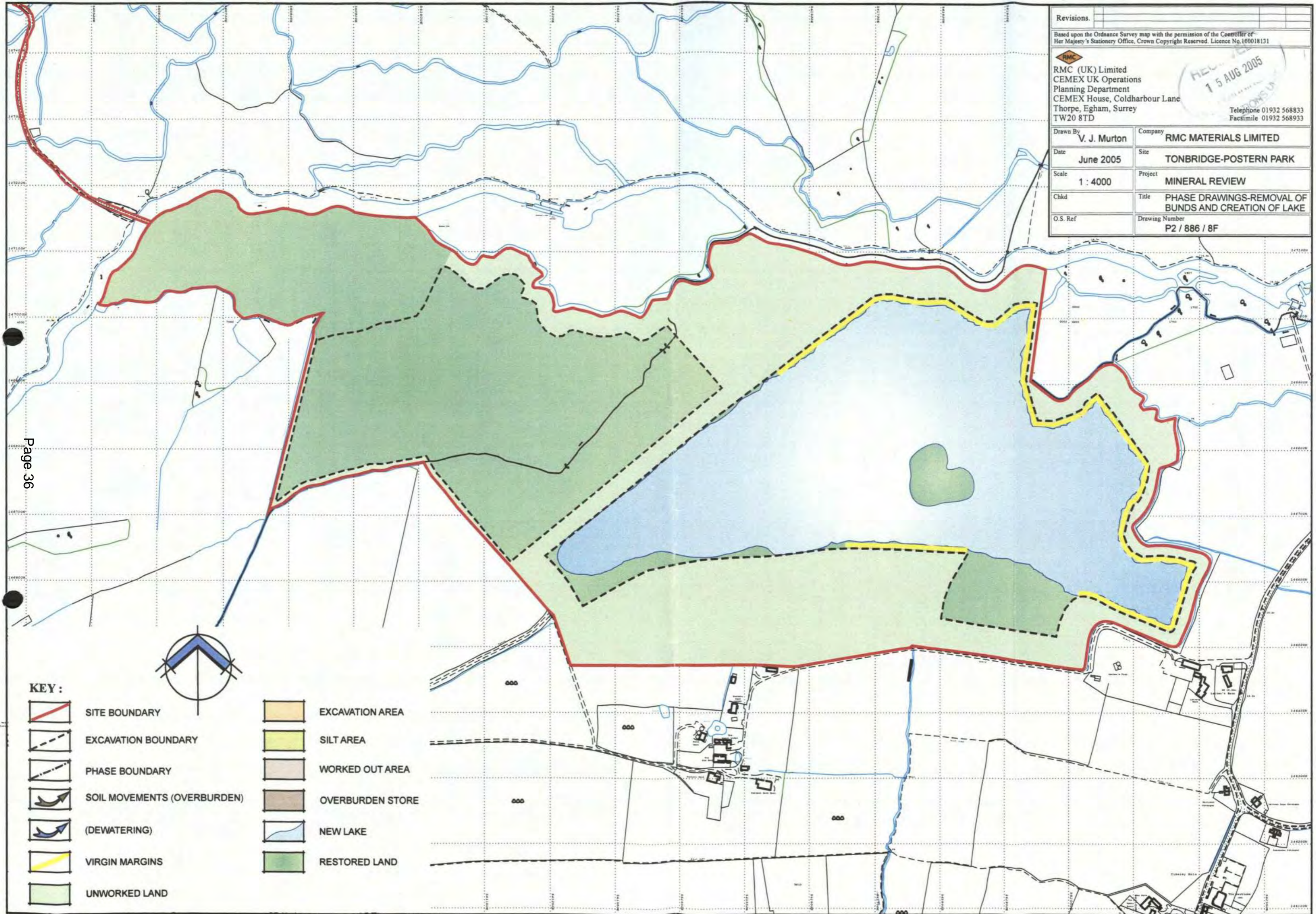
Revisions.

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RMC
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15 AUG 2005

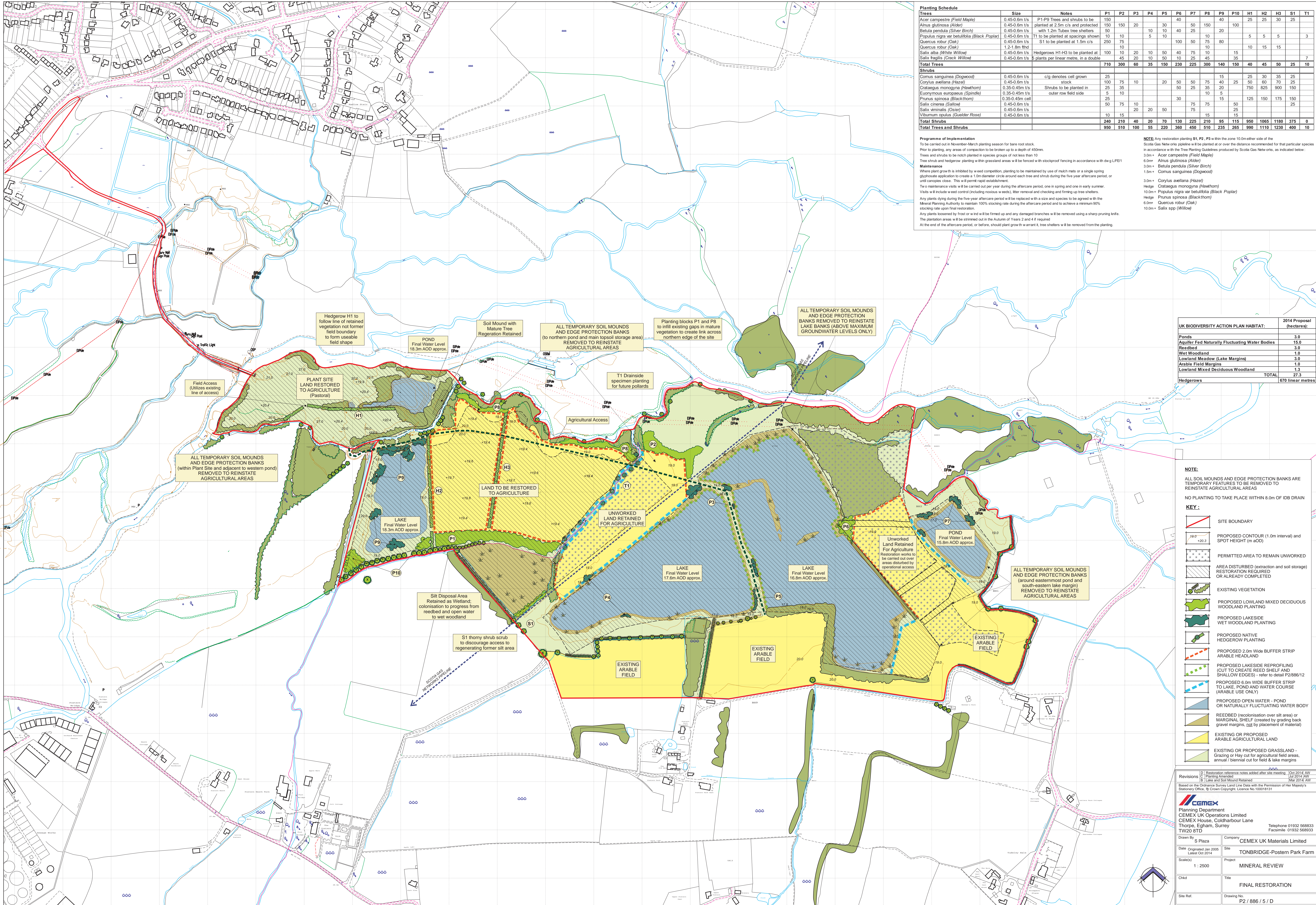
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Date	June 2005	Site	TONBRIDGE-POSTERN PARK
Scale	1 : 4000	Project	MINERAL REVIEW
Chkd		Title	PHASE DRAWINGS-REMOVAL OF BUNDS AND CREATION OF LAKE
O.S. Ref		Drawing Number	P2 / 886 / 8F



Page 36

KEY :

	SITE BOUNDARY		EXCAVATION AREA
	EXCAVATION BOUNDARY		SILT AREA
	PHASE BOUNDARY		WORKED OUT AREA
	SOIL MOVEMENTS (OVERBURDEN)		OVERBURDEN STORE
	(DEWATERING)		NEW LAKE
	VIRGIN MARGINS		RESTORED LAND
	UNWORKED LAND		



Planting Schedule		Size	Notes	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	H1	H2	H3	S1	T1
Trees																		
Acer campestre (Field Maple)	0.45-0.6m T/S	P1-P9 Trees and shrubs to be planted at 2.5m c/s and protected with 1.2m Tubex tree shelters	150	150	20	10	30	40	50	150	40	100	25	25	30	25		
Alnus glutinosa (Alder)	0.45-0.6m T/S		50	10	10	40	25	10	20					5	5	5		3
Betula pendula (Silver Birch)	0.45-0.6m T/S		50	10	10	40	25	10	20					5	5	5		3
Populus nigra var. betulifolia (Black Poplar)	0.45-0.6m T/S	T1 to be planted at spacings shown	250	75					100	50	75	80						
Quercus robur (Oak)	0.45-0.6m T/S	S1 to be planted at 1.5m c/s	250	75					100	50	75	80						
Salix alba (White Willow)	0.45-0.6m T/S	Hedgerows H1-H3 to be planted at 1.2-1.8m Rhd	100	10	20	10	50	40	75	10	15			10	15	15		
Salix fragilis (Crack Willow)	0.45-0.6m T/S	S plants per linear metre, in a double	45	20	10	50	10	25	45	35								7
Total Trees			710	300	60	35	150	230	225	300	140	150	40	45	50	25	10	
Shrubs																		
Cornus sanguinea (Dogwood)	0.45-0.6m T/S	City denotes cell grown stock	25						15					25	30	35	25	
Corylus avellana (Hazel)	0.45-0.6m T/S		100	75	10			20	50	75	40	25	50	60	70	25		
Crataegus monogyna (Hawthorn)	0.35-0.45m T/S	Shrubs to be planted in outer row field side	25	35	20				50	25	20	750	825	900	150			
Eurymyrtus europaeus (Spindle)	0.35-0.45m T/S		5	10					10	5				125	150	175	150	
Prunus spinosa (Blackthorn)	0.35-0.45m T/S		25						30									
Salix cinerea (Sallow)	0.45-0.6m T/S		50	75	10				75	75	10			50				
Salix viminalis (Oster)	0.45-0.6m T/S		75		20	20	50		75					25				
Viburnum opulus (Guelder Rose)	0.45-0.6m T/S		10	15					15									
Total Shrubs			240	210	40	20	130	225	210	95	115	950	1065	1180	375	0		
Total Trees and Shrubs			950	510	100	55	270	360	450	510	235	265	990	1110	1230	400	10	

Programme of Implementation
 To be carried out in November-March planting season for bare root stock.
 Prior to planting, any areas of compaction to be broken up to a depth of 400mm.
 Trees and shrubs to be notched in species groups of not less than 10.
 Tree shrub and hedgerow planting in thin grassland areas will be fenced with stockproof fencing in accordance with the LRF21.
Maintenance
 Where plant growth is inhibited by weed competition, planting to be maintained by use of mulch mats or a single spring glyphosate application to create a 1.0m diameter circle around each tree and shrub during the five year aftercare period, or until canopies close. This will permit rapid establishment.
 Two maintenance visits will be carried out per year during the aftercare period, one in spring and one in early summer.
 Vets will include weed control (including removal of weeds) and checking and firming up tree shelters.
 Any plants dying during the five year aftercare period will be replaced with a size and species to be agreed with the Mineral Planning Authority to maintain 100% stocking rate during the aftercare period and to achieve a minimum 90% stocking rate upon final restoration.
 Any plants sponsored by frost or wind will be firmed up and any damaged branches will be removed using a sharp pruning knife.
 The plantation areas will be stromed out in the Autumn of Years 2 and 4 if required.
 At the end of the aftercare period, or before, should plant growth warrant it, tree shelters will be removed from the planting.

UK BIODIVERSITY ACTION PLAN HABITAT:	2014 Proposal (hectares):
Ponds	3.0
Aquifer Fed Naturally Fluctuating Water Bodies	15.0
Reedbed	3.0
Wet Woodland	1.0
Lowland Meadow (Lake Margins)	3.0
Arable Field Margins	1.0
Lowland Mixed Deciduous Woodland	1.3
Hedgerows	27.3
	670 linear metres

NOTE:
 ALL SOIL MOUNDS AND EDGE PROTECTION BANKS ARE TEMPORARY FEATURES TO BE REMOVED TO REINSTATE AGRICULTURAL AREAS.
 NO PLANTING TO TAKE PLACE WITHIN 8.0m OF IDB DRAIN

KEY:

- SITE BOUNDARY
- PROPOSED CONTOUR (1.0m interval) and SPOT HEIGHT (m aOD)
- PERMITTED AREA TO REMAIN UNWORKED
- AREA DISTURBED (extraction and soil storage) RESTORATION REQUIRED OR ALREADY COMPLETED
- EXISTING VEGETATION
- PROPOSED LOWLAND MIXED DECIDUOUS WOODLAND PLANTING
- PROPOSED LAKESIDE WET WOODLAND PLANTING
- PROPOSED NATIVE HEDGEROW PLANTING
- PROPOSED 2.0m Wide BUFFER STRIP ARABLE HEADLAND
- PROPOSED LAKESIDE REPROFILING (CUT TO CREATE REED SHELF AND SHALLOW EDGES) - refer to detail P2/886/12
- PROPOSED 6.0m Wide BUFFER STRIP TO LAKE, POND AND WATER COURSE (ARABLE USE ONLY)
- PROPOSED OPEN WATER - POND OR NATURALLY FLUCTUATING WATER BODY
- REEDBED (recolonisation over all areas) or MARGINAL SHELF (created by grading back gravel margins, or by placement of material)
- EXISTING OR PROPOSED ARABLE AGRICULTURAL LAND
- EXISTING OR PROPOSED GRASSLAND - Grazing or Hay cut for agricultural field areas, annual/biennial cut for fields & lake margins

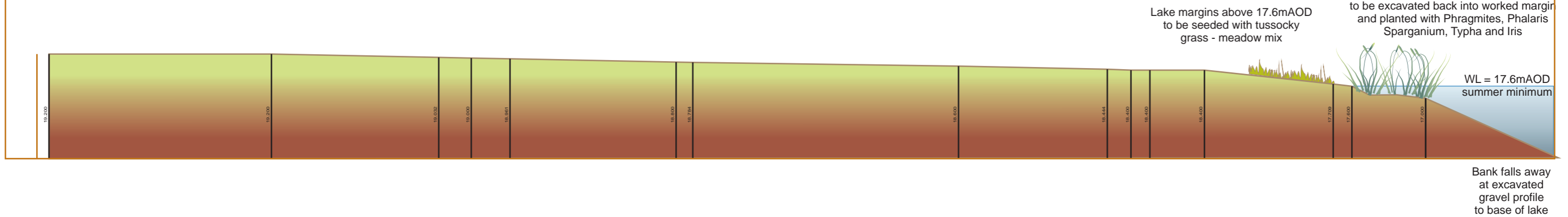
Revisions:
 10 Restoration reference notes added after site meeting, Oct 2014 AW
 9 Planting Arrangements, 22 2014 AW
 8 Lake and Soil Mound Retained, Mar 2014 AW

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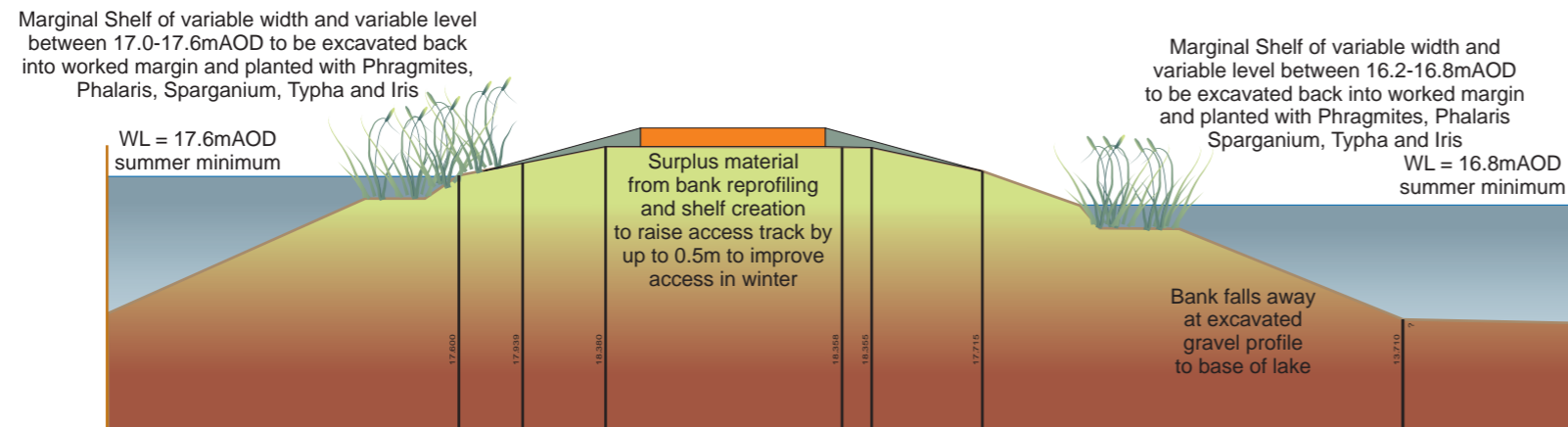
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Drawn By: S Plaza
 Date Originated Jan 2005
 Latest Oct 2014
 Scale(s): 1:2500
 Checked: Title: FINAL RESTORATION
 Site Ref: Drawing No. P2 / 886 / 5 / D

Detail Section through Lake Margin (North Side - to Gas Pipeline) 1: 200 at A - A

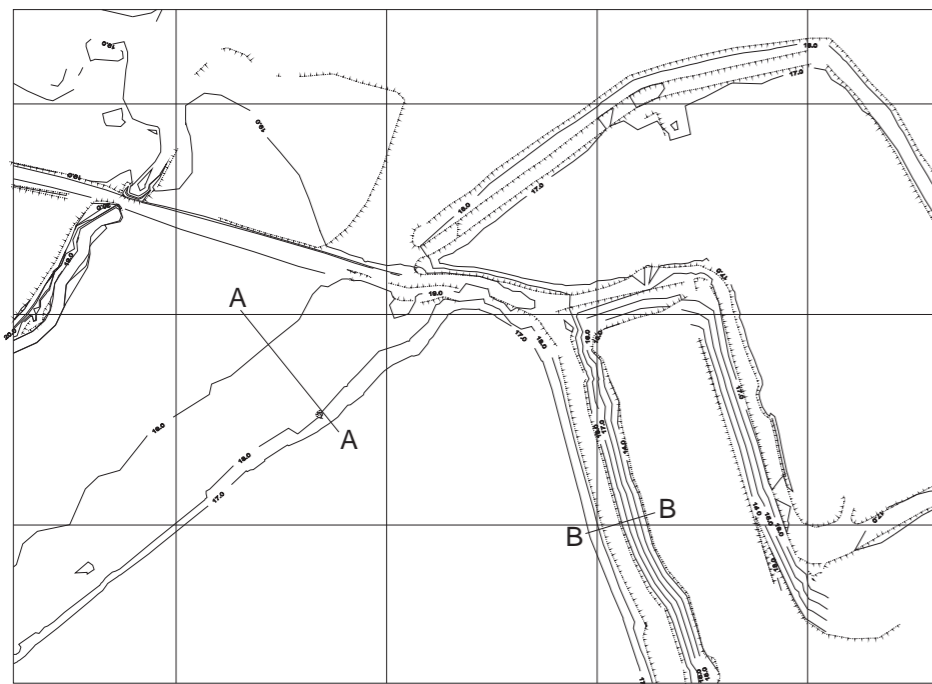


Detail Section through Lake Margin and Retained Access Track 1: 200 at B - B



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Received 22 July 2014
Planning Applications Group



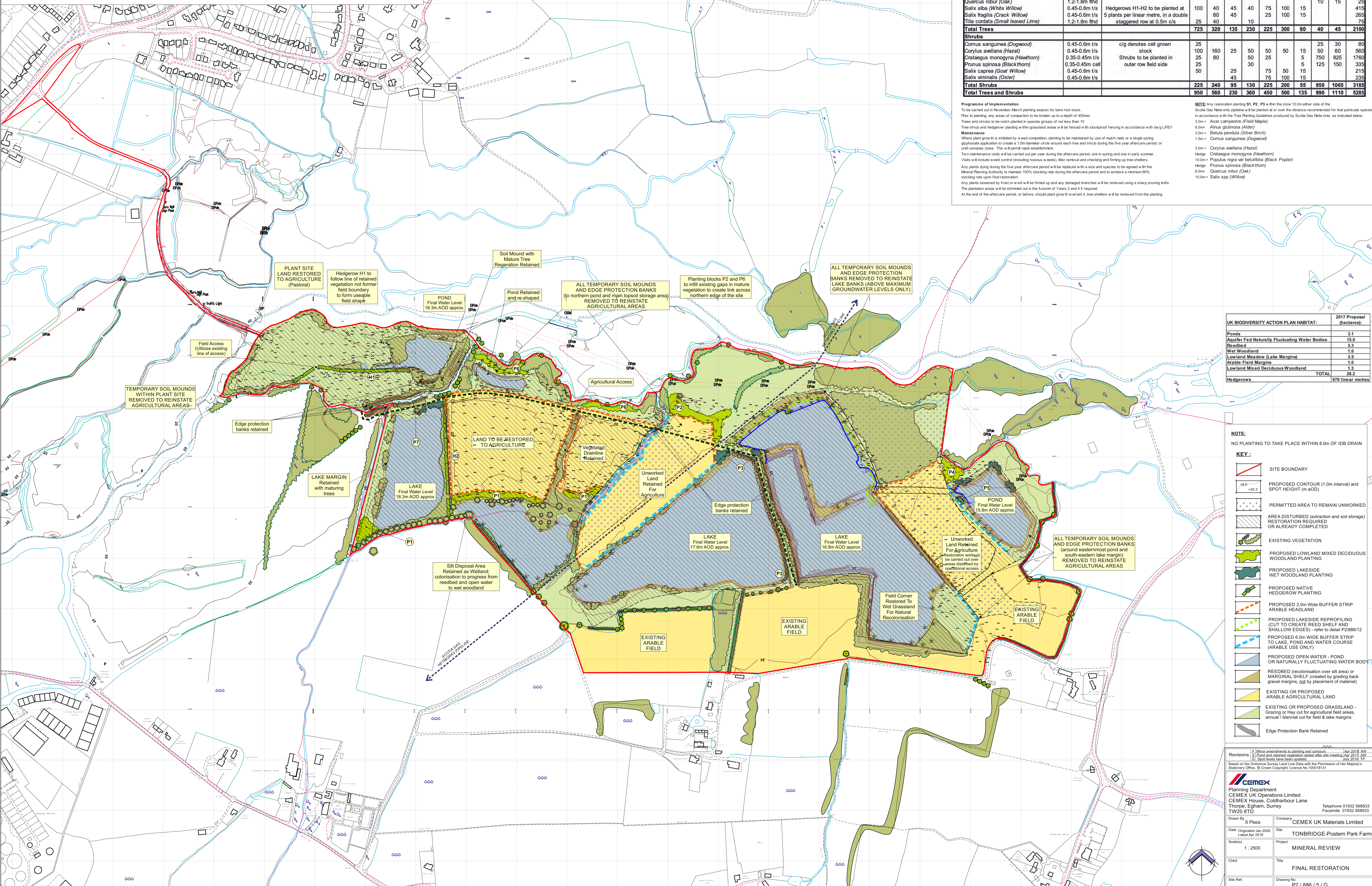
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Drawn By A Wise	Company CEMEX UK Operations Limited
Date Drawn Mar 2014	Site TONBRIDGE - POSTERN PARK
Scale(s) 1:200 @ A3	Project SAND & GRAVEL EXTRACTION
Chkd	Title DETAIL RESTORATION SECTIONS
Site Ref.	Drawing No. P2 / 886 / 13

It is intended that the bridges, site access and concrete slab platform be retained until the end of the aftercare period or earlier if it is apparent that they are no longer needed to convey heavy machinery; The soil ramps to the River Medway bridge will be regraded and the area seeded towards the end of the aftercare period or earlier if the bridge is no longer required for access for landscape maintenance during the aftercare, and upon the bridge's subsequent removal. Soils will be utilised for the restoration of the access road northwards to the A26.

Planting Schedule												
Trees	Size	Notes	P1	P2	P3	P4	P5	P6	P7	H1	H2	Total
Acer campestre (Field Maple)	0.45-0.6m t/s	P1-P7 Trees and shrubs to be planted at 2.5m c/s and protected with 1.2m Tubex tree shelters	150	160	45	40	50	100	15	25	25	255
Alnus glutinosa (Alder)	0.45-0.6m t/s		50			40	25		5			505
Betula pendula (Silver Birch)	0.45-0.6m t/s					100	50			5	5	120
Populus nigra var betulifolia (Black Poplar)	0.45-0.6m t/s	T1 to be planted at spacings shown	250						30			10
Quercus robur (Oak)	0.45-0.6m t/s									10	15	430
Quercus robur (Oak)	1.2-1.8m f/hd		100	40	45	40	75	100	15			25
Salix alba (White Willow)	0.45-0.6m t/s	Hedgerows H1-H2 to be planted at 5 plants per linear metre, in a double staggered row at 0.5m c/s	80	45	10							415
Salix fragilis (Crack Willow)	0.45-0.6m t/s		25	40								265
Tilia cordata (Small leaved Lime)	1.2-1.8m f/hd											75
Total Trees			725	320	135	230	225	300	80	40	45	2100
Shrubs	Size	Notes	P1	P2	P3	P4	P5	P6	P7	H1	H2	Total
Cornus sanguinea (Dogwood)	0.45-0.6m t/s	c/g denotes cell grown stock	25	160	25	50	50	50	15	50	30	80
Corylus avellana (Hazel)	0.45-0.6m t/s		100	80		50	25		5	750	825	560
Crataegus monogyna (Hawthorn)	0.35-0.45m t/s	Shrubs to be planted in outer row field side	25			30			5	125	150	1760
Prunus spinosa (Black thorn)	0.35-0.45m cell		50									335
Salix caprea (Goat Willow)	0.45-0.6m t/s				25			75	50			15
Salix viminalis (Osier)	0.45-0.6m t/s				45			75	100			235
Total Shrubs			225	240	95	130	225	200	55	950	1065	3185
Total Trees and Shrubs			950	560	230	360	450	500	135	990	1110	5285

Programme of Implementation
 To be carried out in November-March planting season for bare root stock.
 Prior to planting, any areas of compaction to be broken up to a depth of 450mm.
 Trees and shrubs to be notched planted in species groups of not less than 10.
 Tree shrub and hedgerow planting in their grassland areas will be fenced with stockproof fencing in accordance with the LRF1.
Maintenance
 Where plant growth is inhibited by weed competition, planting to be maintained by use of mulch mats or a single spring glyphosate application to create a 1.0m diameter circle around each tree and shrub during the five-year aftercare period, or until canopy close. This will permit rapid establishment.
 Two maintenance visits will be carried out per year during the aftercare period, one in spring and one in early summer.
 Visits will include weed control (including noxious weeds), stem removal and checking and firming up tree shelters.
 Any plants dying during the five-year aftercare period will be replaced with a size and species to be agreed with the Mineral Planning Authority to maintain 100% stocking rate during the aftercare period and to achieve a minimum 90% stocking rate upon final restoration.
 Any plants felled by frost or wind will be firmed up and any damaged branches will be removed using a sharp pruning knife.
 The plantation areas will be stirmed out in the Autumn of Years 2 and 4 if required.
 At the end of the aftercare period, or before, should plant growth warrant it, tree shelters will be removed from the planting.

NOTE: Any restoration planting S1, P3, P5 within the zone 10.0m either side of the Stone Gas New or pipeline will be planted at or over the distance recommended for that particular species in accordance with the Tree Planting Guidelines produced by Scottish Gas Networks, as indicated below:
 3.0m - Acer campestre (Field Maple)
 6.0m - Alnus glutinosa (Alder)
 3.0m - Betula pendula (Silver Birch)
 1.5m - Cornus sanguinea (Dogwood)
 3.0m - Corylus avellana (Hazel)
 Hedge - Crataegus monogyna (Hawthorn)
 10.0m - Populus nigra var betulifolia (Black Poplar)
 Hedge - Prunus spinosa (Black thorn)
 6.0m - Quercus robur (Oak)
 10.0m - Salix spp (Willow)



UK BIODIVERSITY ACTION PLAN HABITAT:	2017 Proposal (hectares):
Ponds	3.1
Aquifer Fed Naturally Fluctuating Water Bodies	15.0
Reedbed	3.3
Wet Woodland	1.0
Lowland Meadow (Lake Margins)	3.5
Arable Field Margins	1.0
Lowland Mixed Deciduous Woodland	1.3
TOTAL	28.2
Hedgerows	670 linear metres

- NOTE:**
 NO PLANTING TO TAKE PLACE WITHIN 8.0m OF ICB DRAIN
- KEY:**
- SITE BOUNDARY
 - PROPOSED CONTOUR (1.0m interval) and SPOT HEIGHT (m aOD)
 - PERMITTED AREA TO REMAIN UNWORKED
 - AREA DISTURBED (excavation and soil storage) RESTORATION REQUIRED OR ALREADY COMPLETED
 - EXISTING VEGETATION
 - PROPOSED LOWLAND MIXED DECIDUOUS WOODLAND PLANTING
 - PROPOSED LAKESIDE WET WOODLAND PLANTING
 - PROPOSED NATIVE HEDGEROW PLANTING
 - PROPOSED 2.0m Wide BUFFER STRIP ARABLE HEADLAND
 - PROPOSED LAKESIDE REPROFILING (CUT TO CREATE REED SHELVE AND SHALLOW EDGES) - refer to detail P2/886/12 (ARABLE USE ONLY)
 - PROPOSED 6.0m WIDE BUFFER STRIP TO LAKE, POND AND WATER COURSE (ARABLE USE ONLY)
 - PROPOSED OPEN WATER - POND OR NATURALLY FLUCTUATING WATER BODY
 - REEDBED (recolonisation over silt area) or MARGINAL SHELVE (created by grading back gravel margins, (gg) by placement of material)
 - EXISTING OR PROPOSED ARABLE AGRICULTURAL LAND
 - EXISTING OR PROPOSED GRASSLAND - Grazing or Hay cut for agricultural field areas, annual / biennial cut for field & lake margins
 - Edge Protection Bank Retained

Revisions: E Minor amendments to planting and contours (Apr 2018 AW)
 G Pond and retained vegetation added after site meeting (Apr 2017 AW)
 H Spot levels have been added (July 2018 TP)

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 Planning Department
 CEMEX UK Operations Limited
 CEMEX House, Coldharbour Lane
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 Telephone 01932 568833
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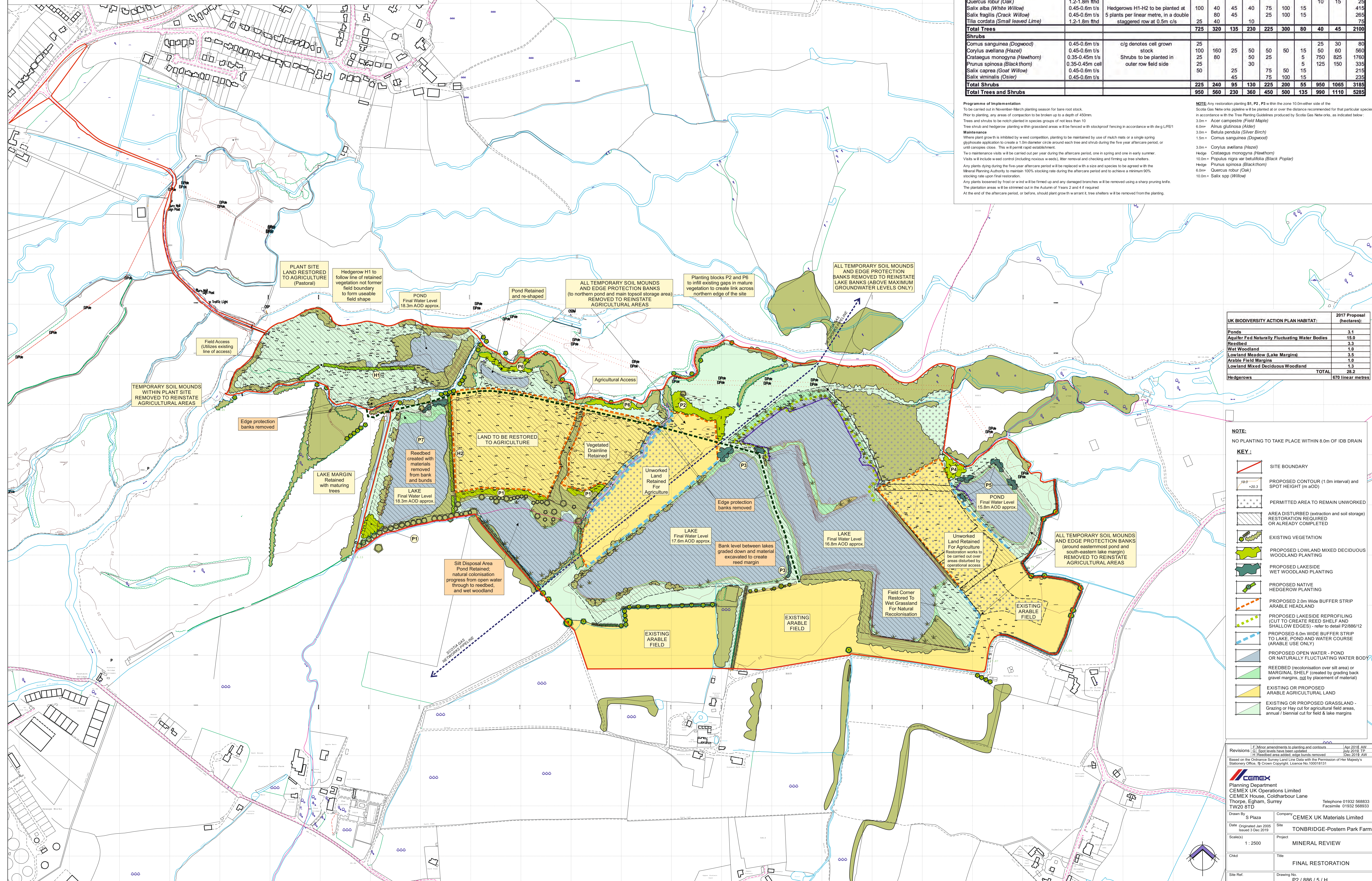
Drawn By: S Plaza Company: CEMEX UK Materials Limited
 Date Originated: Jan 2005 Site: TONBRIDGE-Postern Park Farm
 Latest: Apr 2018
 Scale(s): 1:2500 Project: MINERAL REVIEW
 Ckcd: Title: FINAL RESTORATION
 Site Ref: Drawing No: P2 / 886 / 5 / G

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 - EXISTING OR PROPOSED GRASSLAND - Grazing or Hay cut for agricultural field areas, annual / biennial cut for field & lake margins

Revisions: [E] Minor amendments to planting and contours (Apr 2018 AW)
 [C] Spot levels have been updated (July 2019 JF)
 [I] Reedbed area added, edge bands removed (Dec 2019 AW)

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Drawn By: S Plaza
 Date: Originated Jan 2016
 Issued: 3 Dec 2019

Company: CEMEX UK Materials Limited
 Site: TONBRIDGE-Postern Park Farm
 Project: MINERAL REVIEW

Scale(s): 1:2500
 Title: FINAL RESTORATION
 Site Ref: P2 / 886 / 5 / H

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SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

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

Item D1

Application for a new tunnel (the Bean Road Tunnel) and associated road works to include bus, cycling and pedestrian access to the east of Bluewater Shopping Centre to link to Eastern Quarry development, including tree planting at land adjacent to lake 5 and tunnel infilling at Bluewater Shopping Centre, Bluewater Parkway, Dartford, Greenhithe, Kent DA9 9ST - DA/19/1549 (KCC/DA/0232/2019)

A report by Head of Planning Applications Group to Planning Applications Committee on 27 May 2020.

Application by Kent County Council (Major Capital Programme) for a new tunnel (the Bean Road Tunnel) and associated road works to include bus, cycling and pedestrian access to the east of Bluewater Shopping Centre to link to Eastern Quarry development, including tree planting at land adjacent to lake 5 and tunnel infilling at Bluewater Shopping Centre, Bluewater Parkway, Dartford, Greenhithe, Kent DA9 9ST - DA/19/1549 (KCC/DA/0232/2019).

Recommendation: Planning permission be granted, subject to conditions.

Local Member: Mrs Penny Cole Dartford East
Mr Peter Harman: Swanscombe and Greenhithe

Classification: Unrestricted

Site

1. The proposed site is located between two former quarries - Western Quarry which is now Bluewater Shopping Centre and Eastern Quarry. The proposal lies within Dartford Borough to the west and within the Ebbsfleet Development Corporation area to the east.
2. Eastern Quarry is a former chalk quarry where residential led development has commenced to the east of the site within the Ebbsfleet Development Area. Eastern Quarry forms part of the Ebbsfleet Valley Strategic Site and is within the Ebbsfleet to Stone Priority Area Development. Eastern Quarry development is intended to be linked by Fastrack to provide a fast and frequent service to Ebbsfleet Central, Bluewater, Dartford and Gravesend.
3. The proposal is located under the existing B255 Bean Road. The existing land use in the application area includes the highway network between the eastern end of Lime Tree Avenue and Bluewater Parkway and includes an area of reed bed, water and existing vegetation including trees with an existing cliff face and the chalk spine under the under the B255 Bean Road. Within the application area, there are currently two existing tunnels within the chalk spine that provided a connection between Western and Eastern Quarry and which were used to transport material between the quarries.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

4. A proposed new tunnel would run through a chalk spine which separates Bluewater Shopping Centre from Eastern Quarry and the proposal includes amendments to the highway to connect to existing layouts within Bluewater and to existing and proposed layouts within Eastern Quarry. The application also includes an area of land for proposed replacement tree planting which is located to the west of Bluewater adjacent to lake 5, to the south west of the Police Station.
5. Please see Appendix 1 for site location plan, general arrangement plan, proposed landscaping and cliff stability plan.

Background / Recent Site History

6. Fastrack is the working name for a dedicated public transport network which was planned to connect most of the major existing and new developments in Dartford and Gravesham with core express routes which would be connected to other areas of Kent Thameside by means of feeder routes and rural links. It is intended that Fastrack would maximise the opportunity for travel in Kent Thameside by public transport and achieve by choice a significant and necessary modal shift away from car use and use the public transport network to integrate existing and future communities and provide a basis for sustainable development.
7. This proposal forms part of the Fastrack rapid bus transit system which is one of the core infrastructure projects for Ebbsfleet Garden City and it seeks to contribute to the objective of a modal shift from private car to public transport. The proposal seeks to create a direct pedestrian, cycle and bus link between development within Eastern Quarry and the Bluewater shopping centre (Bluewater).
8. A number of other permissions have been granted by the County Planning Authority relating to Fastrack. In December 2002 permission was granted (DA/01/026) for the construction of a dedicated public transport route known as Fastrack Phase 1 to run between Dartford and Greenhithe railway stations via Home Gardens, Darenth Road, Princes Road, Darenth Valley Hospital, Bluewater and St Clements Way. This was considered by the Planning Applications Committee on 14 May 2002.
9. In November 2003 permission was granted for the Kent Thameside Fastrack, Everard's Link Phase 1. This being the provision of a bus priority route and interchange, including associated landscaping works, part of the Kent Thameside Fastrack major scheme (DA/03/627) relating to land north of railway line & east of Station Road, Greenhithe. This was considered by the Planning Applications Committee on 14 October 2003.
10. In January 2007 permission was granted for Kent Thameside Fastrack, Everard's Link Phase 2, being the provision of a bus priority route linking the bus/rail interchange with the new development at Ingress Park (including associated landscaping works, and dismantling and re-erection of listed wall and associated railings along The Avenue), which form part of the Kent Thameside Fastrack Major Scheme (DA/06/856) relating to land north of railway between Station Road & The Avenue, Greenhithe. This was considered by the Planning Applications Committee on 7 November 2006.
11. The current proposal forms part of the Fastrack Full Network and would be part of a link between Ebbsfleet International Station and Bluewater.

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

12. The Ebbsfleet Implementation Framework (2017) included the upgrading of the Fastrack bus system to ensure a quality, frequent, affordable, viable and sustainable rapid public transport system be within 5 minutes' walk of every neighbourhood. The Framework states that this would be through the upgrading of Fastrack's speed, frequency and reliability through the building-out of missing sections of segregated track and by maximising of levels of priority across the network. The completed Fastrack network will aim to reduce car-dependency in the area, therefore achieving greater public transport modal split across Dartford and Gravesham and providing better integration with the central transport hub at Ebbsfleet International Station and a more direct route to Bluewater, Darent Valley Hospital and facilities in Dartford and Gravesend town centres.

Proposal

13. The proposal is for a new tunnel and associated road works for bus cycle and pedestrian access to the east of Bluewater to link to the new residential community development within the former Eastern Quarry through a chalk spine under the B255 Bean Road that separates the two former quarries.

14. The proposed new tunnel would be located to the north of two existing tunnels within the application area and would be 80m long and include a portal hood protection and would house a 3.5 m wide single way fastrack busway linking Eastern Quarry and Bluewater and would also provide a separate 2m wide footway on the southern side of the tunnel with a 0.5m paved surface separation from the bus carriage and a 3m wide shared use footway/cycleway on the northern side of the tunnel with a 0.5m paved surface separation from bus carriage as part of the Ebbsfleet Garden City green corridor network.

15. The tunnel works include provision of a proposed canopy within the tunnel to mitigate surface movement and settlement and internal lining of the tunnel to 3m above ground with graffiti resistant metal ceramic panels and up lighting behind panels. It is proposed that the tunnel would be naturally ventilated. Lighting would be provided within the tunnel.

16. At both ends of the tunnel, rockfall netting would be used during construction and on completion a tunnel hood at both ends is proposed. The existing northern tunnel would be used during construction.

17. To the west of the proposal linking to Bluewater, the proposal includes traffic signal controlling bus priorities; connection of the shared footway/cycle way and the pedestrian footway to Bluewater Parkway crossing and linking to the existing Bluewater network and Lime Tree Avenue. There would be staggered toucan crossings for both carriages to the west to connect with Bluewater. Buses would turn left only from the tunnel into Bluewater Parkway to access the existing bus station and to return through the tunnel to Eastern Quarry would turn right into a dedicated bus lane to access the tunnel. There would be access through the tunnel for emergency vehicles but not for private vehicles.

18. To the east, the tunnel would link into the Fastrack network and pedestrian and cycle path being developed within Eastern Quarry which are yet to be built.

19. The proposal includes the infilling of an existing northern tunnel and the retention of the existing southern tunnel with protection and enhancement for bats, including the fencing and gating of the tunnel at the western end adjacent to Bluewater, allowing access for monitoring and at the eastern end adjacent to Eastern Quarry blocking access except for

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

a grill for bats access and egress. New roost features on the southern tunnel walls are proposed.

20. The proposal includes the removal of 23 trees in the vicinity of the western tunnel portal, in the central reservation of Bluewater Parkway and at the corner of Lime Tree Avenue where it joins and along Bluewater Parkway between the existing car parking area and the roadside. Replacement tree planting is proposed including 50 saplings around lake 5. The proposal also includes the removal of existing reed bed and replacement reed bed provision in extended lake 4.
21. Construction access for road construction and tunnelling is proposed via Eastern Quarry which is accessed via Watling Street and through the northern haulage tunnel for construction on the Bluewater side as far as possible. The applicant proposes to submit a Construction Environment Management Plan (CEMP) for construction works. The application includes an air quality dust assessment, including mitigation measures for low risk sites to be set out in CEMP.
22. Details relating to surface water drainage have been included within the proposal. Rain falling within Eastern Quarry would be catered for within the drainage systems proposed for Eastern Quarry. No surface water is expected to enter the tunnel except on wheels of vehicles. There would be no surface water provision within the proposed tunnel and any surface water from within the tunnel would run toward Bluewater drainage system. Drainage for the new impermeable surfaces to the west of the tunnel would be routed to the existing drainage systems within Bluewater. The proposed new reedbed would manage the existing car park drainage in place of the existing reedbed which would need to be demolished.
23. The proposal includes a lighting impact study which states that the final external lighting design would be based on bat survey results; noise impact desk based assessment and structural survey/ land stability information which states that the back filling of the existing tunnel would need surveying before backfill design and completion and a landscape plan.
24. The applicant has provided ecological information within the application including a preliminary ecological appraisal and further surveys in relation to bat dusk emergence, bat hibernation, great crested newt eDNA of the waterbodies within Bluewater. The application includes mitigation and compensation measures within the submitted ecological appraisal, bat hibernation survey, reptile precautionary method statement, dormouse precautionary method statement and great crested newt eDNA report and in relation to nesting birds.
25. The applicant proposed that excavated rock from construction activity would be used to fill lake areas in Eastern Quarry, gabion embankments in Bluewater and that other waste as a result of excavation is anticipated by the applicant to be used as backfill in Eastern quarry or reprocessed within Eastern Quarry.

Planning Policy

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

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

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

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

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

Promoting healthy and safe communities, including promoting social interaction (for example through street layouts that allow for easy pedestrian and cycle connections with and between neighbourhoods); places which are safe and accessible; enabling and supporting healthy lifestyles (including layouts that encourage walking and cycling) enabling and supporting healthy lifestyles and providing social and recreational facilities to meet community needs.

Promoting sustainable transport including ensuring that appropriate opportunities to promote sustainable transport modes have been taken up given the type of development and its location; safe and suitable access to the site for all users; significant impacts from the development on the transport network in terms of capacity and congestion or on highway safety can be cost effectively mitigated to an acceptable degree. Seeks to give priority first to pedestrian and cycle movements within the scheme and with neighbouring areas and facilitate high quality public transport with layouts that maximise the catchment area for bus or other public transport services; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive which minimise the scope for conflict between pedestrians, cyclists and vehicles and avoid unnecessary street clutter and respond to local character and design standards; and allow access for emergency vehicles.

Achieving the requirement for well-designed places including high quality design and a good standard of amenity for all existing and future occupants of land and buildings; ensuring the developments function well and add to the overall quality of the area.

Meeting the challenge of climate change, flooding and coastal change;

Conserving and enhancing the natural environment in relation to habitats and biodiversity, ground conditions and pollution including ensuring that new development is appropriate for the location. Encourages the implementation of enhancements for biodiversity and encourages opportunities for biodiversity improvements around developments especially where this can secure measurable net gains for biodiversity. It also encourages policies and decisions which contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity, including but establishing coherent ecological networks that are more resilient to current and future

Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

pressures. Seeks to prevent unacceptable levels of soil, air, water pollution or land instability.

Conserving and enhancing the historic environment;

(iii) Development Plan Policies as detailed below.

Dartford Borough Council

Dartford Core Strategy 2011

- Policy CS1 **Spatial Pattern of Development.** Seeks to maximise regeneration benefits, promote sustainable patterns of development and protect less appropriate areas from development, focussing development in priority areas, including at Ebbsfleet to Stone, bringing back into productive use former chalk quarries and integrating existing communities with the new facilities these developments can provide.
- Policy CS4 **Ebbsfleet to Stone Priority Area.** Seeks to promote a chain of distinctive and individual but linked communities, existing and new. Seeks to achieve a number of outcomes including new residential communities focused on Ebbsfleet Valley and Stone, providing up to 7,850 homes within the Plan period, with further development beyond 2026; Local community facilities; employment; a network of multifunctional green spaces defining each community and serving recreational and biodiversity functions; physical integration of Bluewater with the existing and proposed residential communities surrounding it, with footpaths, cycle paths and buses, including Fastrack; linking of communities, facilities and key activity hubs through the Fastrack bus network, with a new link from Ebbsfleet through Eastern Quarry to Bluewater; built development reflecting the varied heritage of the area in order to create a sense of place.
- Policy CS5 **Ebbsfleet Valley Strategic Site.** Seeks to secure early delivery of the mixed use development, which will eventually comprise outcomes relevant to Dartford Borough including a community of up to 10,000 homes, (up to 5,250 assumed to be provided in the Plan period); employment; leisure and retail uses to support local residents, workers and visitors; community facilities required to support the residential community; an improved interchange facilities between Ebbsfleet Station, Fastrack and local buses and a pedestrian foot link with the North Kent line. Seeks to encourage high quality public realm; linked residential communities or 'villages', with a sufficient critical mass to support services, community infrastructure and the Fastrack service; a walking and cycling network and a Fastrack route across the area encouraging a high proportion of trips by sustainable means; physical and functional integration of the three individual sites in the Ebbsfleet Valley with each other, as far as possible, as well as with the adjoining communities at Swanscombe and Knockhall;
- Policy CS14 **Green space.** Seeks to achieve a multi-functional, high quality, varied and well-managed Green Grid. Significant biodiversity improvements at development sites include Ebbsfleet Valley, Swanscombe Peninsula and the Northern Gateway and Protecting and enhancing existing open spaces, and those identified and designated as locally important, the diverse landscape character, areas of nature conservation value, Sites of Special Scientific Interest, National

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Nature Reserves and local wildlife sites, community and ancient woodlands, as well as priority habitats and species, both in the urban and rural area. Biodiversity enhancements will be focussed on the Biodiversity Opportunity Areas. Protection and enhancement of biodiversity on brownfield development sites will be based on survey data.

- Policy CS15 **Managing Transport Demand.** Seeks to reduce the need to travel, minimise car use and make the most effective use of the transport network by encouraging mixed use development and close interrelationship between complementary land uses: homes, jobs, shops and leisure, recreational and community facilities; require major development sites to make provision for Fastrack as part of planning proposals; work in partnership with Kent County Council, other partners and transport operators to deliver appropriate long term operating arrangements to ensure the success of Fastrack and ensure that the benefits of Fastrack, where embedded in existing communities, are not lost; work in partnership with Kent County Council and transport operators to improve conventional bus services. Where appropriate, major developments will be required to facilitate new services, improved frequencies or extensions to existing bus services. Provision of services will be required to serve early residents on developments with long build-out times; work in partnership with Kent County Council and transport operators to deliver an integrated transport network and integrated ticketing across different modes of transport; work in partnership with developers, Kent County Council and cycling groups to implement an integrated walking and cycling network joining communities with the facilities they need to access, including public transport facilities, primarily through the Green Grid (see Policy CS 14) and including the Public Rights of Way network. Grant funding will be sought to help implement the network.
- Policy CS16 **Transport Investment.** Seeks to enable the transport network to respond to the pressures of new development by delivery of a Strategic Transport Infrastructure Programme to ensure that the transport network operates at acceptable levels and that the transport infrastructure is in place to support new development.
- Policy CS23 **Minimising Carbon Emissions.** Seeks to minimise carbon emissions through energy efficiency and use of renewable energy by requiring all new development to demonstrate that reductions in energy use through passive design and layout of development have been explored and applied, where practical
- Policy CS25 **Water Management.** Seeks to manage the supply and quality of water and waste water / sewerage treatment capacity serving the community, to protect and enhance the quality of surface and groundwaters together with assisting in moving towards 'water neutrality' in the Thames Gateway. Seeks to ensure that new development and water services are co-ordinated and that the pace of development does not outstrip the water supply and wastewater / sewerage treatment capacity at any time.

2017 Dartford Development Policies Plan

- Policy DP1 **Presumption in Favour of Sustainable Development.** Seeks to ensure that Planning applications that accord with the policies in the Dartford Core Strategy

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and this Plan, and policies in neighbourhood plans (where relevant), will be approved wherever possible, unless material considerations indicate otherwise and that a positive approach to considering development proposals reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF) and the development needs of the Borough identified in the Core Strategy.

- Policy DP2 **Good Design in Dartford.** Seeks to achieve good design in the Borough including by using opportunities to create high quality places using prominent physical attributes (including cliff faces, extensive network of open spaces and tree coverage); having regard to heritage assets; facilitating a sense of place, with social interaction, walking/ cycling, health and wellbeing, and inclusive neighbourhoods, through a mix of uses and careful design and layout. Good design should be reinforced and enhanced through integrating new development with the public realm, open space and natural features including rivers and lakes/ ponds. Providing permeability through clear pedestrian and cycle linkages, and where appropriate, active frontages, and a fine grain mix of buildings and spaces. In determining planning applications, consider how the height, mass, form, scale, orientation, siting, setbacks, access, overshadowing, articulation, detailing, roof form, and landscaping of the proposals relate to neighbouring buildings, as well as the wider locality. Spaces should be designed to be inclusive, safe and accessible for all Dartford's communities, including young, elderly, disabled and less mobile people. The design of buildings, open space and the private and public realm should, where appropriate, reduce the fear of, and opportunities for, crime, paying attention to the principles of Safer Places. Layout and design should allow the efficient management/ reuse of natural resources and waste, early consideration should be given to the achievement of on-site flood alleviation. Development will also be required to provide adequate and convenient arrangements for the storage of refuse and recyclable materials as an integral part of its design.
- Policy DP3 **Transport Impacts of Development.** Seeks to ensure that development is appropriately located and makes suitable provision to minimise and manage the arising transport impacts, in line with Core Strategy policies CS15 and CS16. Localised residual impacts on the highway network should be addressed by well-designed off-site transport measures. Adverse effects on residential amenity or the environment must be minimised. Seeks to ensure that development does not result in localised residual impacts from the development on its own, or in combination with other planned developments in the area, which are severe in relation to road traffic congestion and air quality; safety of pedestrians, cyclists and other road-users; and excessive pressure for on-street parking.
- Policy DP4 **Transport Access and Design.** Seeks to ensure that development should be of a design and layout to promote walking, cycling and public transport use through provision of attractive and safe routes which address the needs of users, otherwise development will not be permitted. Proposals should include appropriate vehicular access arrangements to the new development. Guidance set out in Manual for Streets, or any future equivalent, should also be applied (bespoke access and transport approaches may be agreed at large regeneration sites, where forming a suitable alternative). Seeks to ensure that where appropriate proposals ensure safe and convenient access to footpaths

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and cycle routes, with public rights of way protected including, where opportunities exist, delivering new or enhancing existing routes between key facilities/ that link to the wider highways and green grid network; and linkages to existing neighbourhoods. Provision is made for public transport and taxis, especially at trip generating destinations and other significant scale developments, where layouts must allow penetration of routes to make community services easily accessible to all users, and feasible and efficient to operate. Services such as Fastrack should be enhanced through development that secures new network links through the site. Facilities are provided as appropriate for people with disabilities, especially at road crossing points, public transport stops and changes in level on walking routes. The layout and siting of access is acceptable in terms of residential amenity, highway capacity and safety, free flow of traffic, cyclists and pedestrians, and visual impact. Provision is made for loading, unloading and the turning of service vehicles ensuring highway and pedestrian safety.

- Policy DP5 **Environmental and Amenity Protection.** Seeks to ensure that development does not result in unacceptable material impacts, individually or cumulatively, on neighbouring uses, the Borough's environment or public health. Particular consideration must be given to areas and subjects of potential sensitivity in the built and natural environment, and other potential amenity/ safety factors such as air and water quality, including groundwater source protection zones, intensity of use, including hours of operation, anti-social behaviour and littering, traffic, access, and parking, noise disturbance or vibration, odour, light pollution, overshadowing, overlooking and privacy, electrical and telecommunication interference, HSE land use consultation zones, land instability, ground contamination.
- Policy DP11 **Sustainable Technology and Construction.** Seeks to ensure that development is well located, innovatively and sensitively designed and constructed, to tackle climate change, minimise flood risk and natural resource use and must aim to increase water efficiency. Planning applications for low/ zero carbon technology and installations, or for major developments with potentially significant water supply, flooding or wastewater implications, will only be permitted where they set out how appropriate and effective mitigation/ management is to be delivered.
- Policy DP12 **Historic Environment Strategy.** Seeks to ensure that development should contribute to the conservation and enjoyment of the Borough's historic environment. On archaeological sites, a desk-based assessment will be required as a minimum. Applications affecting non-designated assets should establish the asset's significance. Development should conserve or enhance those aspects that have been identified as significant and, where possible, should seek to better reveal an asset's significance. In determining planning applications affecting non-designated assets, the effect of the proposal on the asset's significance will be taken into account. A balanced judgement will be taken having regard to the significance of the heritage asset and the scale of any harm or loss of significance. Development resulting in a total loss of significance will not normally be permitted.
- Policy DP25 **Nature Conservation and Enhancement.** Seeks to protect designated sites. Where development is located within close proximity or with likely effects to

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designated sites, seeks to ensure that proposals would not adversely impact on the features of the site that define its value or ecological pathways to the site. Proposals should seek to avoid any significant adverse impact on existing biodiversity features. Any potential loss or adverse impact must be mitigated, including with reference to the following guidance points: a) Where mitigation measures require relocation of protected species this will only be acceptable when accompanied by clear evidence that the proposed method is appropriate and will provide for successful translocation. b). Proposals should include provision for protection during construction, and mechanisms for on-going management and monitoring. Seeks to preserve and, wherever possible, enhance existing habitats and ecological quality, including those of water bodies, particularly where located in Biodiversity Opportunity Areas. In all development proposals existing trees should be retained wherever possible. If retention is demonstrated not to be feasible, replacement provision should be of an appropriate tree species and maturity and/ or canopy cover taking into account the tree that is being replaced and the location.

Supplementary Planning Guidance

Eastern Quarry Planning Brief SPG (2002) which noted that development would be required to deliver segregated Fastrack public transport route(s), at the earliest possible stage to connect the heart of Kent Thameside, with Dartford Town Centre, Bluewater, Ebbsfleet and Gravesend Town Centre via Thames Way. The development of the site will require the provision of one or more segregated public transport routes between Bean Road and Bluewater to the west and Ebbsfleet to the east, as part of the Fastrack network. The Fastrack network is critical to the development and regeneration of Kent Thameside. It will provide the site with excellent links to major destinations within Kent Thameside, and speedy access to Ebbsfleet in particular from where Central London, as well as continental Europe, will be readily accessible. Careful attention will have to be paid to design, so that transport corridors do not sever communities either within Eastern Quarry, or between Eastern Quarry and elsewhere.

Development proposals must incorporate the provision of Fastrack infrastructure as an integral part of the development and secure the on-going, long term provision of appropriate services on this infrastructure. As part of the Fastrack network, provision is to be made for high quality stops and, where appropriate, interchanges. Real-time information must be provided at the stops. A detailed Fastrack specification will be provided to assist in the provision of this facility. The concept of Fastrack is fundamental to the minimisation of traffic generation and to the built design philosophy for the site. The Council will require development proposals to provide a clear programme for the procurement and provision of Fastrack infrastructure and services across and within Eastern Quarry. Provision should also be made for other bus services to serve the site, complementing the Fastrack network. The road layout should be designed to give priority to buses over cars. Pedestrian and cycle movements will be an essential element of the new development. The ability to walk or cycle to the centres and to Fastrack and bus stops along convenient, safe, interesting and attractive routes will be particularly important. New access ways into and out of the Quarry site (as described above) should contain safe dedicated routes for both pedestrians and cyclists.

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(iv) Other relevant statutory guidance

In addition, whilst not part of the development plan and not planning policy, statutory guidance was published by the Department of Transport on 9th May 2020, relating to Reallocating road space in response to COVID-19: statutory guidance for local authorities and Guidance for local authorities on managing their road networks in response to the coronavirus (COVID-19) outbreak.

Consultations

27. **Ebbsfleet Development Corporation (EDC)** raise no objection and comment that it welcomes the provision of the proposed tunnel as it will enhance public transport, pedestrian and cycle connections and delivers on the vision for the strategic connections through Eastern Quarry, as set out in the outline planning consent for the Eastern Quarry development site. The EDC was engaged in pre-application discussions and the submission addresses comments made at that time. The provision of the pedestrian/cycle crossing on the Eastern Quarry side of the tunnel is welcomed. We note it appears very close to the tunnel entrance and understand the intention to deliver this as a raised table with a reduced speed of 20mph through the tunnel alleviates safety concerns previously raised. We also note the provision of twin 800mm diameter pipes to act as conduits under the road to accommodate the swale that will be delivered along the boundary in Eastern Quarry. These are intrinsic to the successful delivery of SuDS features in Eastern Quarry and compliance with the relevant masterplan for the area. We would therefore recommend details of the pipes in relation to length and depth buried under the proposed road to be secured by condition, to align with the emerging landscaping details being developed by the Eastern Quarry landowner. Details of hard and soft landscaping are noted in the submission. Indicative hard landscaping materials for Eastern Quarry have been secured in the relevant Area Masterplan to ensure consistency throughout the development. EDC recommend details of hard landscaping materials are secured by condition to ensure they accord with those identified in the Area Masterplan, which have been agreed with Kent Highways Agreements Team.

Dartford Borough Council raises no objection in response to the proposal and comment that it welcomes the plans for the new tunnel under Bean Road which will help to realise the objectives of a direct FastTrack bus route improving journey times and enabling it to better serve the new development at Ebbsfleet. The provision of the footway/cycleway connection also meets the Local Plan objectives of providing integrated developments and access to services in order to discourage car use. With regard to the detailed design the Council has some concerns that a desire line is likely to be created between the pedestrian/cycle crossing of Bluewater Parkway and the shopping centre itself via the car park. This is likely to result in the erosion of the landscaped verge and pedestrians emerging between cars in the car park. The Council would request that measures are taken to deter such access or that a direct pedestrian link is provided through the car park.

Environment Agency (Kent Area) raise no objection subject to conditions and informatives being applied to any planning permission granted concerning addressing contamination should it be found to be present at the site and subject to Informatives being applied to any permission in relation to waste management, permitting implications and drainage for the tunnel which must connect to and have regard to the water

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management strategies for both the Bluewater and Eastern Quarry developments and tunnelling activity which should be undertaken in a manner not likely to create impacts on the underlying chalk aquifer, having regards to potential water abstractions in the vicinity. Relevant groundwater monitoring may be required, but existing networks in Eastern Quarry may be sufficient for this purpose.

KCC Flood and Water Management initially raised a holding objection concerning the interface of the tunnel to the wider network however this was subsequently withdrawn and are satisfied that provision will exist for connection of this proposal. Conditions are recommended concerning the submission and approval of a detailed sustainable surface water drainage scheme for the site which should demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and that appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details. This is recommended as a pre-commencement condition to ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. A condition is also recommended concerning submission and approval of a Verification Report pertaining to the surface water drainage system to demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved and to contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Natural England have no comments to make on the application and advise that they have not assessed the proposal for impacts on protected species. Natural England refer the Planning Authority to published Standing Advice to use to assess impacts on protected species and to consultation with our own ecology services for advice. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

KCC Ecology Advice Service raise no objection to the proposal and comment that the Ecological Appraisal, Bat Hibernation Survey Report, Dormouse Precautionary Method Statement and Reptile Precautionary Method Statement have been submitted and that an appropriate level of ecological survey work has been carried out and that there is sufficient information regarding the identification of potential ecological impacts. They comment that the ecological appraisal identifies the potential for impacts to bats and their roosts, nesting birds, reptiles, hazel dormice, hedgehogs and advise that whilst the principles of the mitigation/compensation proposals are acceptable, a clear plan or timeline regarding the proposed timings of the different stages of vegetation clearance, taking into account the potential for impacts to each species / species group would have been beneficial to ensure clarity for all parties. However, they comment that they do not consider the absence of a timeline to be a predetermination requirement. Given the need for ongoing vegetation management over the course of the proposed development, a

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method statement that incorporates considerations for all protected / designated species could be secured by pre-commencement condition, if permission is granted.

Advise that a European protected species mitigation licence (EPSML) will be required to carry out the proposed development due to the impacts upon bats. The Conservation of Habitats and Species Regulations 2018 requires Kent County Council as the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Kent County Council must consider whether it is likely that an EPSML from Natural England will be granted, and in so doing must address three tests when deciding whether to grant planning permission for the proposed development. The three tests are that a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”; and that the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

Advise that the first two tests are matters for the County Planning Authority to decide and that the proposed approaches to mitigation and compensation for bats will satisfy the requirements of the ‘third test’.

Advise that the application for the EPSML to Natural England will likely require a legal agreement between the applicant and Natural England to secure the mitigation and compensatory provision from foreseeable development and habitat management threats.

Advise that in relation to biodiversity enhancements, the loss of 22 trees will be compensated for by the planting of 50 trees and that landscaping associated with the Eastern Quarry is not secured through the planning application for this development. The NPPF states that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged especially where this can secure measurable net gains for biodiversity”. In terms of habitat loss / gain, our impression (without any specific measurement) is that there would be some loss of semi-natural habitat as a result of the proposed development. In its view, the compensation, securing long term provision for bats goes some way to offset the loss of habitat and it is difficult to see what other measures could be employed, beyond the provision of appropriate landscaping, details of which can be secured by condition, if permission is granted.

Kent Fire and Rescue Service raise no objection regarding means of access for the Fire and Rescue Service. From the submitted plans it appears that access to the site for the Fire and Rescue Service, is adequate. Consideration has been given to on site access as required by Building Regulations Approved Document B Section 5.

Transportation Planning in response to additional and amended information submitted by the applicant, raise no objection to the proposal and comment that they have received updated LinSig output and a revised general arrangement drawing supporting the modelling which has addressed concerns and is now acceptable. Transportation Planning recommend the following is incorporated into the design as the scheme is progressed:

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- The crossing should have a minimum stagger distance so as to reduce as far as possible the distance non-motorised users (NMUs) have to travel north at the central island.
- To retain the open feel for pedestrians and assist in creating an aesthetically pleasing environment, provide raised kerbs, with the staggered pedestrian area flush with the carriageway, instead of guard railing. Examples of these crossings can be seen in other Districts, e.g. Ashford.
- To reduce the impact on pedestrians and cyclists, a 'call forward' demand should be provided when the crossings are demanded from the outer push buttons. Under this method a demand is automatically registered at the second crossing. This will save approx. 10 seconds waiting time at the second crossing.

In addition, Transportation Planning have raised a number of points of detail for the applicant to consider relating to the proposed landscaping plan and the proposed street lighting.

Transportation Planning request highways conditions should permission be granted, relating to the submission and approval of a Construction Management Plan including routing of construction and delivery vehicles, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries; provision of wheel washing facilities and any temporary traffic management/ signage.

Thames Water raise no objection to the proposal. They comment that the proposed development is located within 15 metres of its underground waste water assets and as such would like an informative to be attached to any approval granted concerning this and appropriate measures for working near Thames Water underground assets. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The planning application proposal sets out that foul water will not be discharged to the public network and as such Thames Water has no objection. Should the applicant subsequently seek a connection to discharge Foul Waters to the public network in the future, we would consider this to be a material change to the application details, which would require an amendment to the application and we would need to review our position. Thames Water advise that the proposed development is located within 15m of a strategic water main and a condition is requested to prevent piling until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Thames Water also comment that the proposed development is located within 5m of a strategic water main. Thames Water do not permit the building over or construction within 5m, of strategic water mains. Thames Water request a condition be added to any planning permission preventing construction within 5m of the water main and requiring the submission of information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, to be submitted to and approved by the Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

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Swanscombe and Greenhithe Town Council raise no comment in relation to the proposal.

Local Member

28. The local County Member for Dartford East, Mrs Penny Cole and Mr Peter Harman for Swanscombe and Greenhithe were notified of the application on 11 November 2019. No views have been received to date.

Publicity

29. The application was publicised by the posting of 2 site notices, an advertisement in a local newspaper, and the individual notification of 3 nearby properties.

Representations

30. In response to the original publicity, 1 letter objecting to the proposal was received from Bean Residents Association. In response to the submission of additional information, a further letter of comment was received from Bean Residents Association. The unresolved matters following the provision of additional information are:

- There is a need to allow for a future additional northbound Bluewater entry lane.
- Clarification as to whether new PROWS are created.
- Provision for north to east turn into tunnel and how this would be controlled. Shortest access to tunnel is via Bluewater emergency access or Fastrack ramp (if allowed).
- That the Bluewater planting site is grassed area and part of existing children's playground.
- Disruption from 6-way traffic lights dismissed, without queue lengths being reported; The distribution between lanes isn't realistic. Most traffic heads for outside lane at tunnel site. Bluewater measure peak differently. Examine times of Bean contra-flow.
- Consider that two uncontrolled pedestrian crossings at tunnel portals are unsafe; uncontrolled crossings and potential electric vehicles are a problem for mobility impaired users (MIP). Even if found acceptable at Stage 2 Safety Audit, suggest cable ducts are incorporated.
- That changes to crossings at Bluewater end of tunnel have not been described and that two crossings of Bluewater Parkway have been reduced in width from 5.0m to 3.0m and straight crossing has now changed to staggered crossings.
- That crossings are not on desire line and risk cyclists and pedestrians choosing to use roads.
- That there is no existing non-motorised user (NMU) network to link with new combined cycleway and walkway.

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- Combined cycleway and walkway end suddenly at existing Lime Tree Avenue crossings. No signing guidance on route from there.
- That wildlife corridor tunnel missing from some drawings.

31. A further 3 letter(s) objecting to the application, 1 letter commenting on the application and 1 letter(s) of support have been received.

The key points raised **in support of the proposal** can be summarised as follows:

- As frequent Fastrack users, the service is our lifeline. We have really noticed the recent improvements made to the service too and are excited about the plans for the future. We fully support this enhancement and only object to the idea of an alternative tram project.

The key planning points raised **in comment only** of the proposal can be summarised as follows:

It is a short-term view to only make a tunnel for buses and not consider the likely event of a tram system locally connecting areas of North Kent as well as across the water in Essex. Even if buses eventually are hybrid they still need petrol engines (like the London ones) and is only a partial solution to the threat of global warming.

The key planning points raised **in objection to the proposal** can be summarised as follows:

Emissions

- a lack of baseline information in relation to the risk of dust and particulate incidence as a result of the absence of urban background automatic monitoring sites within the area, and that the current roadside monitoring sites are not representative of the receptors. Concern is raised that reliance has been placed on Defra background maps that are “estimates”.
- there may still be some risk of contamination from further remediation works.
- the air quality dust mitigation scheme needs to be as comprehensive as practicable and a number of additional elements moved from the desirable to the Highly Recommended category, such as no external dry sweeping.

Biodiversity

- Contrary to the application documents there is a removal of some priority habitat. The thrust of the NPPF and current planning policy is to seek an enhancement of biodiversity, not just in terms of replacement trees but in terms of the overall condition of the ecosystem.
- The works on the northern tunnel would have a significantly detrimental effect on the bat population, although mitigation might be achieved in the southern tunnel.

Design and other considerations

- The case for closing the tunnel appears to be largely driven by the issue of potential water run-off and the costs of controlling it. Considers that there may be alternative

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solutions to this which could allow for further public transport enhancements in the area.

- Query the wisdom and safety of including bike tracks alongside a bus lane. Not only is a tunnel claustrophobic for many people but to have buses passing, in both directions (on a single lane) close by will deter potential cyclists. The dual use of a new tunnel is unattractive and unhealthy since cyclists will have to breathe diesel fumes and micro carcinogenic particles.
- there is a proposed KentEx tram system being currently explored which, if built, could have advantages in respect of the provision of quality and efficient public transport in the Kent Thameside area.
- The existing tunnel plan would preclude use of double deck bus and tram because of the dimensions of the planned tunnel would be insufficient for either trams or taller buses - consider increasing the tunnel dimensions now so that double deck buses and a tram would be feasible in the future if needed.
- The funding mechanism and the level of modal shift factored into the scheme is too optimistic. Referring to the proposal as a mass transit system does not alter the fact that this is essentially an enhanced bus route(s).
- There are three existing tunnels, which could be put to alternative use, to encourage safe cycling and walking between the Garden Village and Bluewater in a separated and protected environment. To use public funding to destroy an asset that could be a useful contribution to the local sustainable cycling and walking network is wasteful.

Community Engagement

- Contrary to the decision of the KCC Environment and Transport Committee on July 16th, which gives approval to carry out consultation on the scheme, there has been to date no consultation with the public or elected Members in Dartford on the Application which is hard to square with either KCC's scheme of Community Involvement or National Planning Guidance.
- There is no community involvement strategy contained within the CEMP.
- local residents seem not to be offered consultation on this use of public money and as above Borough council members affected by this decision when approached for comments or advice were not aware of the application.
- It is not on the agenda for local Dartford joint transport board meetings.

Discussion

32. In considering this proposal regard must be had to the Development Plan Policies and planning policy outlined in paragraph 26 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

Need and Location

33. There is strong policy support for a direct link between the new residential development within Eastern Quarry and Bluewater for use by Fastrack, pedestrians and cyclists. It is supported by Core Development Plan Strategy policies CS1, CS4, CS5 and CS15. The

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linking of communities via the Fastrack system is also supported by these planning policies along with Dartford Development Plan Policies DP4 and the SPD for Eastern Quarry which outlines the requirements for development in Eastern Quarry to link to the Fastrack system and to Bluewater.

34. The location of the proposed tunnel at the exit point from Eastern Quarry and the entry point with Bluewater is at an appropriate point to link to existing highway networks within Bluewater and to minimise the extent of works.
35. Furthermore, Dartford Borough Council comments that it welcomes the plans for the new tunnel under Bean Road which will help to realise the objectives of a direct FastTrack bus route, improving journey times and enabling it to better serve the new development at Ebbsfleet. The provision of the footway/cycleway connection also meets the Local Plan objectives of providing integrated developments and access to services in order to discourage car use. Ebbsfleet Development Corporation also welcomes the provision of the proposed tunnel on the basis it will enhance public transport, pedestrian and cycle connections and delivers on the vision for the strategic connections through Eastern Quarry, as set out in the outline planning consent for the Eastern Quarry development site.
36. The representation in support of the proposal refers to the positive benefits that Fastrack offers, whereas comments in objection relate to the design and nature of the proposal. The objections relate to the provision of a new tunnel and closure of one of the existing tunnels and to a proposal that does not include provision for a tram system, along with a concern about the impacts of the proposal. These matters are discussed further below. Those objecting to the application do not question the need for the proposal or the location of the proposal.
37. In light of the above, I consider that the need for and the location of the proposal is clearly supported by relevant development plan policy.

Highways and transportation impacts

38. The proposal is designed for the Fastrack bus, pedestrian and cycle access. A number of objections and highway concerns have been raised relating to the design and details of the proposal. These are addressed below.
39. An objection has been received on the basis that the proposal does not consider the potential for a tram system locally connecting areas of North Kent as well as with parts of Essex. Planning policy within Dartford and Ebbsfleet refers to the operation of the Fastrack system which is already well developed in the area. There are no references to an existing tram system within the current policies and a tram system does not currently operate within the area. It is suggested that a tram system is currently being explored which, if built, could have advantages in respect of the provision of high quality and efficient public transport in the Kent Thameside area in the future. However, there is no planning application that includes such a system and a tram system is not currently active in the area. In the absence of more established plans for a tram system there is no certainty of such development coming forward and it is appropriate to consider the current application in that context. The application being considered does not include the operation or connection to a tram system and a decision has to be made based on the merits of the current application which relate to providing an important link for Fastrack and the development within the Ebbsfleet Development Area.

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40. National planning policy and guidance seeks to ensure appropriate opportunities to promote sustainable transport modes can be or have been taken up given the type of development and its location. Planning policy CS4 refers to the need for physical integration of Bluewater with existing and proposed communities around it, including footpaths, cycle paths and buses including Fastrack and linking communities through the Fastrack bus network with a new link from Ebbsfleet through Eastern Quarry to Bluewater. Policy CS5 also refers to a Fastrack route and policy CS15 refers to making provision for Fastrack as part of planning proposals, including working in partnership to deliver long term operating arrangements to ensure the success of Fastrack and to ensure that the benefits of Fastrack where embedded in existing communities are not lost. The Eastern Quarry Supplementary Planning Guidance noted that development at Eastern Quarry would be required to deliver segregated Fastrack public transport route(s), at the earliest possible stage to connect the heart of Kent Thameside, with Dartford Town Centre, Bluewater, Ebbsfleet and Gravesend Town Centre via Thames Way and that the development of the site will require the provision of one or more segregated public transport routes between Bean Road and Bluewater to the west and Ebbsfleet to the east, as part of the Fastrack network. The Fastrack network is therefore considered to be important to the development and regeneration of Kent Thameside and at this location would provide the site with connection to an existing operating Fastrack network.
41. Given the type of development already permitted in relation to Fastrack; the development policies within Dartford that refer to this transport system and the location of the proposal in relation to existing Fastrack permissions and development at Eastern Quarry that seeks to include Fastrack, as detailed also in the Eastern Quarry Planning Brief SPG (2002), a refusal of the proposal on the basis that it does not include provision for a possible tram link cannot be justified in planning policy terms.
42. National planning policy seeks to ensure safe and suitable access to the site for all users and that significant impacts from the development on the transport network in terms of capacity and congestion or on highway safety can be cost effectively mitigated to an acceptable degree. It seeks to give priority first to pedestrian and cycle movements within schemes and to facilitate high quality public transport with layouts that maximise the catchment area for bus or other public transport services; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive which minimise the scope for conflict between pedestrians, cyclists and vehicles and avoid unnecessary street clutter and respond to local character and design standards; and allow access for emergency vehicles. Whilst not yet embedded into planning policy, recent Department of Transport guidance in response to the coronavirus (Covid-19) pandemic seeks to encourage increased levels of walking and cycling and road layouts that facilitate this.
43. The proposed design allows for access for emergency vehicles in the tunnel should this be required and provides the required highway standards for maximum headroom so that it would be suitable for all road going vehicles, including emergency vehicles.
44. Concern has been raised that the existing tunnel plan dimensions of the development would be insufficient for either trams or taller buses and that the tunnel dimensions should be increased now so that double deck buses and a tram would be feasible in the future if needed. The applicant advises that the proposal has been designed to meet standard highway clearance and that the design would allow double height buses and the space is also large enough to allow a full-sized double decker continental train through the tunnel.

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Therefore, the proposal in planning terms would not preclude the operation of a tram system in the tunnel should this be promoted in the future, however I note that there would be compatibility issues that would need to be addressed in terms of the operation of a Fastrack system and a tram system together. This would need to be addressed both within the tunnel and within the network beyond. Current planning policy supports Fastrack, which is a bus priority system and the applicant's proposal currently supports only Fastrack and pedestrian and cycle access.

45. The infilling and closure of the existing tunnels has attracted objection as there is a view that they could be used to encourage safe cycling and walking between the Garden Village and Bluewater in a separated and protected environment, or that the northern tunnel could allow for further public transport enhancements in the area .
46. The applicant advises that other options have been considered in relation to the use of the existing tunnels. However, to use the existing tunnels as part of the Fastrack scheme with pedestrian and cycle access would require extensive works to realign the profile and to make good for the intended use. It is of note that due to the existing vertical alignment, pedestrians would need to descend down steps or a ramp on the Eastern Quarry side to access the tunnel. In addition, walking and cycling provision within separate tunnels could be considered to be less safe and potentially attract anti-social activity.
47. The applicant's proposed option is therefore the creation of a new tunnel and infilling of the northern tunnel with the southern tunnel being enhanced for mitigation. The applicant proposes infilling of the northern tunnel in order to prevent unauthorised access, to reduce risk to the adjacent new bore tunnel and to reduce maintenance responsibilities. The western and eastern ends of the southern tunnel would be blocked to prevent public access. The existing northern tunnel, if left as it is would not be available for use for further public transport enhancements in the area without further works to make it suitable for use, appropriate connection to development either side and funding.
48. Whilst it is noted that the existing tunnels could have potentially contributed to the local sustainable cycling and walking network, these options have not been pursued within the application and provision instead has been made in the tunnel that would be created. A decision therefore needs to be made on the basis of the application as made.
49. Objection has been raised regarding the safety of including bike tracks alongside a bus lane, commenting that a tunnel is potentially claustrophobic and to have buses passing, in both directions (on a single lane) close by will deter cyclists. Whilst the application refers to the proposal as a "tunnel" it is actually in highway terms, an underpass as it is 80m long, less than 150m long which defines a tunnel in highway terms. It is designed to meet the technical standards of an underpass. The peak bus movements are expected to be initially at 10-minute intervals moving to 5 minute intervals as Fastrack grows to its full network. Therefore, a bus would drive through every 5 minutes initially and every 2.5 minutes when at full network. There would be a 20mph limit within the tunnel. The applicant has estimated that it would take approx. 60 seconds to walk through the tunnel and 18 seconds to cycle through the tunnel. The applicant advises that the combined footway/cycleway would have a 0.5m buffer to the bus lane that will be marked by a white line and the road surface will provide clear demarcation. It is proposed that the bus track will be single way, with bi-directional bus lane controlled by a traffic signal system. Therefore, the bus will only be travelling in one direction at any time and buses will not pass in both directions at the same time. The design considers the safety of all proposed road users and has not raised objection from the Highways Authority.

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50. Objection is also raised to the dual use of a tunnel because it is considered unattractive and unhealthy since cyclists will have to breathe diesel fumes and micro carcinogenic particles. Mechanical ventilation within the tunnel is not required as its length is less than the 150m and is therefore not necessary in order to meet the Highways England standards BD78/99. I also note that in the longer term the planning application states that it is proposed that an all-electric fleet would eventually be used and so the air quality within the tunnel would reflect that of a zero-emission fleet. I am advised by the applicant from commencement of the Fastrack service in April 2022, the intention is that the Fastrack fleet will be using electric buses and air quality considerations within the tunnel would therefore reflect this.
51. I note that neither Dartford Borough Council, Ebbsfleet Development Corporation nor the Highways Authority have objected to the shared use of the proposed tunnel, or the infilling of the northern tunnel and given that the proposal meets the highway safety standards and has not resulted in objection from the Highways Authority, I do not consider that a refusal on highway grounds could be justified as a result of the proposal not separating pedestrian and cycle use from the bus lane by the provision or retention of separate tunnels for cycle and pedestrian used in the manner suggested.
52. The Residents Association response raises a number of technical issues concerning the proposal. These relate to an additional northbound entry lane, public rights of way (PROWs), pedestrian crossings, adequacy of modelling, emergency access arrangements, safety arrangements and signage. These matters are addressed below.
53. In respect of an allowance for a future additional northbound Bluewater entry lane, there are no plans for an additional northbound entry lane as there is insufficient space for the required geometry. It is not therefore part of the planning application proposed. Given that there is no highways objection to the proposal I consider that not including an allowance for a future northbound Bluewater entry lane would not be sufficient reason to conclude that the proposal does not accord with the planning policy requirements in relation to highway matters.
54. The Residents Association ask whether any new PROWs are created. The proposal includes new pedestrian linkages between the residential development at Eastern Quarry and Bluewater but these will not be designated as public rights of way as part of this proposal. No PROWs will be impacted or created as part of the scheme, although new PROWs are anticipated to be created as part of other development within Eastern Quarry, beyond the application area. Whilst a busway, walking and cycling will be maintained through the tunnel it will not be adopted as the west end is within Bluewater ownership. There is no policy requirement that would require the scheme to include the creation of any new PROWs.
55. Queries are raised over the provision for north to east turn into tunnel and how this would be controlled. The applicant states that the north to east left turn into the tunnel will be prohibited and that emergency vehicles are not expected to access the tunnel from Bluewater to gain access to Eastern Quarry as there is direct access from the Hedge Place roundabout. If necessary, emergency vehicles would be able to turn into the tunnel access road. Access through the tunnel would be signal controlled with unauthorised access regulated using automatic number plate recognition (ANPR) and enforcement.

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56. The Residents Association consider that disruption from the 6-way traffic lights has been dismissed, without the queue lengths being reported and that the distribution between lanes isn't realistic. A report showing junction capacity calculations using the Linsig software package, which is the commonly accepted means of measuring the performance of proposed traffic signal installation has been submitted and considered as part of the application. However, the Residents Association comment that the Linsig results are for Bluewater's peak car park occupancy, not am and pm peak traffic times. The applicant has clarified that this is because the Bluewater peak is a Sunday near to Christmas rather than the typical morning and evening peak rush hour times. The additional Linsig information submitted has not given rise to an objection from the Highway Authority and has resolved its initial concerns. It is also noted that some further design improvements are suggested by the Highways Authority which the applicant has agreed to incorporate into the scheme.
57. In relation to the two uncontrolled pedestrian crossings at the tunnel portals, the Residents Association advises that it considers these to be unsafe particularly for mobility impaired users (MIP) users. Even if found acceptable at Stage 2 Safety Audit, they suggest cable ducts are necessary. In response, the applicant states that the uncontrolled crossings have good visibility and that the scheme has received a Stage 1 Safety Audit and will be assessed again at Stage 2 following Detail Design. The applicants state that any uncontrolled crossing would need to be found acceptable in safety terms prior to construction. The proposal has also not given rise to highway objection on this matter and in the Highway Authority's view, the uncontrolled crossings proposed would not require ducting as they are not likely to become signal controlled in the future as they are not intended to be used by the general traffic.
58. In addition, the Residents Association comment that changes to crossings at the Bluewater end of tunnel are not described and that two crossings of Bluewater Parkway are reduced in width from 5.0m to 3.0m and the straight crossing has now changed to staggered crossings. The drawings and Planning Statement have been revised to include a staggered pedestrian crossing in response to highway comments in order to achieve compliance with highway safety requirements.
59. In response to the Residents Association comment that there is no existing non-motorised user (NMU) network to link with new combined cycleway and walkway; the applicant states that the combined footway / cycleway links to the footway into Bluewater and the cycle network within Bluewater that runs through the car park. The proposals show a new pedestrian cycle route along the western side of Bluewater Parkway, connecting to the existing facilities on Lime Tree Avenue and this has not given rise to a highway objection. The Association's concern regarding signage is a matter that will be reviewed once the new tunnels are available. I consider that this would address the concern.
60. Transportation Planning in advising on the application as Highway Authority make a number of recommendations to incorporate into the design as the scheme is progressed. It considers that the crossing should have a minimum stagger distance so as to reduce the distance non-motorised users (NMU) have to travel north at the central island. To retain the open feel for pedestrians and assist in creating an aesthetically pleasing environment, it recommends that the scheme should provide raised kerbs, with the staggered pedestrian area flush with the carriageway, instead of guard railing (subject to road safety audit (RSA)). To reduce the impact on pedestrians and cyclists, it considers that a 'call forward' demand should be provided when the crossings are demanded from the outer push buttons. Under this method a demand is automatically registered at the

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second crossing. This will save approx. 10 seconds waiting time at the second crossing. I consider that the details of these improvements could be required by condition should Members decide in favour of the proposal and the agent has agreed that the recommendations suggested can be incorporated into the scheme.

61. With the inclusion of conditions requiring further details of the design measures to address the Transportation Planning recommendations, to be incorporated into the design as the scheme is progressed, I consider that the proposal would meet the requirements of policy DP2 concerning design; DP3 concerning the transport impacts of development and DP4 concerning transport access and design.
62. I also consider that a condition is used to require the submission of a Construction Management Plan should permission be granted to include routing of construction and delivery vehicles, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries; provision of wheel washing facilities and any temporary traffic management/ signage.
63. In light of the above I am satisfied that the proposal is accordance with development plan policy and guidance in relation to highway and transportation matters.

Air quality

64. The proposal is not located within an Air Quality Management Area (AQMA) however there two AQMAs near to the site – the London Road AQMA (no 2) is within 361m of the proposed planting area adjacent to lake 5 and approx. 960m north from the proposed area of works. The Bean Road Interchange AQMA (no 4) is within 610m south of the proposal.
65. The proposal seeks to provide for the Fastrack route which is linked to public transport initiatives designed to help reduce the worsening of local traffic emissions, especially in the light of proposed development. The proposal also seeks to provide pedestrian and cycle connection routes. These methods of transport are intended to have a positive impact on Air Quality.
66. However, the temporary impacts during construction of the proposal may give rise to dust and the application includes an air quality impact dust assessment, which refers to the Institute of Air Quality Management (IAQM) 2016 Guidance on the assessment of dust from demolition and construction version 1.1, to address this.
67. The submission has not given rise to any objections from the statutory consultees. However, it has given rise to a neighbour objection regarding the quality of data used to assess dust and particulate incidence as a result of the absence of urban background automatic monitoring sites within the area and a concern that reliance has been placed on Defra background maps that are “estimates” and that there may still be some risk of contamination from further remediation works.
68. The air quality impact dust assessment does not include the risks of exposure to contaminated dusts that could arise from the remediation of contaminated land (should it be identified). The information within the planning application does not indicate that the proposal requires the remediation of contaminated land and no contamination is expected by the applicant to be on site. It is noted that the Environment Agency require additional conditions to be imposed should unforeseen contamination be found and I consider that

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should this be the case the air quality dust assessment can also be required to be reviewed to consider previously unforeseen impacts. This can be required by a condition.

69. The dust assessment states that the Local Authority is responsible for 3 automatic monitoring stations at Dartford Town Centre, Bean Interchange and St Clements for particulate matter. However, it also states that there is an absence of urban background monitoring sites within the area and that the current roadside monitoring sites are not representative of the receptors. The applicant therefore uses Defra background maps to obtain background concentrations for pollutants in Dartford. Use of DEFRA background concentrations and/or any local monitoring and modelling data is in accordance with the (IAQM) 2016 Guidance on the assessment of dust from demolition and construction.
70. The dust assessment concludes that the risk of dust impacts associated with the construction work proposed is low and that the sensitivity of the area to the proposed works is low and that the risk of impacts is negligible. The air quality dust assessment process requires the application of professional judgement in the assessment of risk and sensitivity of the area and impacts. As a result, the applicant considers that via the air quality dust assessment that they have carried out, no mitigation measures would be required for the negligible risk however as a precautionary approach and following good practice they propose dust mitigation measures for a low risk site. The proposed measures have then been categorised as not required, desirable or highly recommended.
71. The proposal has given rise to a neighbour concern that the mitigation proposed should be improved and a number of additional elements should be moved from the desirable to the highly recommended category.
72. The proposed desirable measures are the development and implementation of a dust management plan; dust monitoring including dust soiling checks within 100m of the Bean Road Tunnel; enclosure of site or specific operations where there is high potential for dust production and the Bean Road tunnel preparation works is active for an extensive period of time; keeping the tunnel site fencing, barriers and scaffolding clean using wet methods; removing material that has the potential to create dust from Bean Road tunnel as soon as possible unless being used on site; speed limit on site of 15mph; ensuring equipment is readily available on site to clean spillages as soon as reasonably practicable; avoiding dry sweeping of large external areas and recording haul route inspection and subsequent actions in log book; avoiding roughening of concrete surfaces if possible, ensuring sand and other aggregates are stored in enclosed buildings; using water assisted dust sweepers on the access and local roads to remove as necessary any material tracking out of the site. This may require a sweeper to be in continuous use and ensuring vehicles are covered when entering and leaving the site to prevent escape of materials during transport and implementing a wheel cleaning system.
73. These are matters which can be required by a condition requiring submission of a Construction Environment Management Plan (CEMP) and it is noted that the applicant in its air quality impact assessment concludes that these matters should be set out within a CEMP. I consider that the CEMP can include these desirable good practice matters along with the highly recommended mitigation measures should circumstances at the site require them. A separate condition can also be required requiring the implementation of the mitigation measures set out in the Air Quality Dust Assessment to this effect. These are set out in my recommendation.

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74. The Residents Association comment that the Air Quality Dust Assessment ignores the impacts after the tunnel opens from the Eastern Quarry Works. The applicant states that the Eastern Quarry development would provide an Air Quality Dust Assessment associated with those operations. The impacts to users of the tunnel as a result of the Eastern Quarry works would in my view be addressed within the controls over remaining works within Eastern Quarry and is not required as part of this development.
75. Given that there have been no adverse comments relating to air quality from the Borough Council, and subject to the inclusion of conditions requiring appropriate mitigation measures to be implemented and measures to minimise dust emissions during construction in accordance with the submitted details, I consider the proposed mitigation during construction is acceptable in assessing the proposal against policy DP3 and DP5.
76. I also consider that the information within the application with regard to noise and vibration does not give rise to any unduly adverse impacts and consider it is acceptable when assessing the proposal against policy DP3 and DP5.

Biodiversity

77. National planning policy and guidance is that when considering planning applications if significant harm to biodiversity interests resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
78. The site is not located within any statutory or non-statutory designated nature conservation sites. The proposal is located approx. 225 m from Natural England Priority Habitat: Deciduous woodland and approx. 840m to a Site of Special Scientific Interest at Darenth Wood to the south west of the site, where there is ancient and semi ancient woodland. The SSSI site is isolated from the proposed development however because of the existing road network, bus routes and quarry walls. The site is located within an SSSI Impact Risk Zone in relation to Darenth Woods SSSI and West Thurrock Lagoon and Marshes although falls outside of the forms of development that require consultation with Natural England.
79. Beyond these areas, the proposal would result in the loss of a small area of reedbed and standing open water, both of which are priority habitats and other vegetation, which is predominantly broadleaved plantation woodland will need to be removed to provide access for construction and operational traffic.
80. Nesting birds use the reed beds and existing vegetation in the area, including 2 species which are listed on schedule 1 of the Wildlife and Countryside Act. A pre-construction bird survey would be undertaken in relation to these and this can be required by condition. Replacement reed bed and tree planting is proposed. Other protected species are impacted upon as discussed below.
81. The applicant has included mitigation to ensure no net loss of reedbed and open water habitat. They have also provided additional planting to compensate for the loss of trees. Planting to the east would be landscaped in accordance with Eastern Quarry development, including enhancement to create an ecological barrier around the cliff face as part of the Eastern Quarry Ashmere Public Realm and Landscape.

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82. The southern tunnel is used by bats and to a lesser extent, the northern tunnel. The northern tunnel would be used during construction and the applicant proposes to infill the northern tunnel which the applicant says is less used by bats however it proposes to retain and enhance the southern haulage tunnel which is used by bats.
83. The applicant has addressed the impact of the proposal to bats in relation to habitat clearance around the northern tunnel and disturbance to bats as a result of infilling the northern tunnel and works to the cliff face (including removal of rock and rock traps or netting) which may impact on bats in the ecological appraisal in relation to the timing of the proposed works which would avoid the bat hibernation period (November to March) and precautions to be undertaken to avoid killing or injury to bats including inspection by a licensed bat ecologist and infilling of any cracks within the northern tunnel before any works start to ensure that no bats are present and repeat inspection during works within the northern tunnel. In addition to any planning permission, a European Protected Species Mitigation Licence (EPSL) would be required from Natural England for the works to legally proceed. Mitigation would therefore be provided in accordance with the EPSL requirements and compensatory roosts and enhancements have been proposed with the retention of the southern tunnel which would be protected and retained primarily for bats. The applicant proposes compensatory roosts for the approximate 3 features that would be lost in the northern tunnel and an enhancement by an additional 15 (minimum) new roosting features within the southern tunnel. These are to ensure adequate compensation and opportunity for uptake within a choice of roost features. Some off-site roost features are also proposed within the conveyor tunnel (which is outside the planning application area). No public access is proposed within the southern tunnel, only access for maintenance. The tunnel would be fenced off but still allow access for bats.
84. No new lighting would be provided outside the entrance to the western portals of the existing southern and northern tunnels. There would however be proposed lighting outside the new tunnel and on Bluewater Parkway and in Eastern Quarry and the lighting design would be proposed in conjunction with an ecologist in respect to the impact to bats and in accordance with The Institute of Lighting Professionals Bat and Artificial Lighting in the UK Guidance Note 08/18. This could be required by a planning condition.
85. Post construction monitoring bats surveys are also proposed as a requirement also of the EPSL. The monitoring aims to secure evidence that compensation measures are being used and are suitable.
86. The site is also classified as an autumn swarming site (i.e. a roost of high conservation status) and a legal agreement is likely to be required as part of the EPSL application to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats. The applicant proposes a Natural Environment and Rural Communities (NERC) Act Agreement with Natural England.
87. In relation to birds, all nesting birds are protected, and the timing of works would need to be carried out outside of the bird breeding season or be subject to ecological supervision. Two species may be present which have additional protection: Cetti's Warbler and Peregrine Falcon. A pre-construction bird survey is required and if found works would need to be carried out under ecological supervision and these matters can be addressed by a condition.
88. The applicant has submitted a Precautionary Method Statement in relation to works and reptiles and timing of works and compensation habitat in the form of reedbed and open

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water extension and hibernacula log piles from felled trees. Amphibian and reptile hibernacula are also proposed in relation to common frog, smooth newt, common toad and grass snake as well as linkages between pond and reedbed to surrounding habitat. Hazel Dormouse may also be present at the site and a Precautionary Method Statement would be implemented under the direction of an ecologist.

89. Development Plan Policy DP25 seeks to avoid any significant adverse impact on designated sites and seeks to avoid any significant adverse impact to biodiversity features with the mitigation of any potential loss or adverse impact. The policy requires that where mitigation measures require relocation of protected species this will only be acceptable when accompanied by clear evidence that the proposed method is appropriate and will provide for successful translocation and that there is provision for protection during construction, and mechanisms for on-going management and monitoring. The policy expects that developments will preserve and, wherever possible, enhance existing habitats and ecological quality, including those of water bodies, particularly where located in Biodiversity Opportunity Areas. The policy also requires that existing trees should be retained wherever possible. If retention is demonstrated not to be feasible, replacement provision should be of an appropriate tree species and maturity and/ or canopy cover taking into account the tree that is being replaced and the location. Given the advice received from the Ecology Service, I am satisfied that the measures detailed in the application meet the policy requirements and that additional information in relation to the landscape planting and survey, supervision and mitigation and compensation arrangements can be required using conditions.
90. Policy CS14 seeks biodiversity improvements at development sites including Ebbsfleet Valley, Swanscombe Peninsula and the Northern Gateway and Protecting and enhancing existing priority habitats and species, with biodiversity enhancements focussed on the Biodiversity Opportunity Areas and protection and enhancement of biodiversity on brownfield development sites based on survey data. Part of the site to the west within the Bluewater area is within an area identified as green space and part of the area within the Eastern Quarry development is identified as proposed green space within an indicative biodiversity opportunity area. Both the west and east parts of the site are within an indicative biodiversity opportunity area.
91. Natural England have been consulted on the proposal and referred to their Standing Advice relevant to the review of planning applications concerning protected species and the consideration of how a development might affect a priority species on or near a development proposal. Consultation with the KCC ecological advice team has taken place to help apply the standing advice.
92. In relation to ancient woodland and veteran trees, the proposal is located approx. 840m from Darenth Wood. Having considered the Standing Advice I conclude that the development will not have a direct impact on the ancient woodland, nor would it have a significant indirect impact on ancient woodland or ancient and veteran trees because of the current separation that exists between two locations. Whilst the proposal does result in the loss of some localised trees within the application site area, it is a relatively small number in a well-defined area and replacement planting elsewhere has been proposed as compensation. I do not consider that the proposal would add significantly to the amount of pollution, including dust or increase disturbance to wildlife from additional traffic and visitors or adversely impact on light or air pollution or give rise to largescale changes to the landscape character of the area and any such impacts need to be balanced against the wider benefits of the proposed development.

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93. In relation to protected species the standing advice when a proposal is likely to affect a protected species is that planning permission can be granted if an appropriate survey was carried out by a qualified ecologist at the time of year specified in the standing advice; a wildlife licence is likely to be granted by Natural England if one is needed; mitigation plans are acceptable; compensation plans are acceptable when mitigation isn't possible; review and monitoring plans are in place where appropriate and all wider planning considerations are met.
94. KCC Ecology Advice Service raise no objection to the proposal. They comment an appropriate level of ecological survey work has been carried out and that there is sufficient information regarding the identification of potential ecological impacts. The ecological appraisal identifies the potential for impacts to bats and their roosts, nesting birds, reptiles, hazel dormice, hedgehogs.
95. While the principles of the mitigation/compensation proposals are acceptable, they advise that a clear plan/timeline is needed regarding the proposed timings of the different stages of vegetation clearance, taking into account the potential for impacts protected / designated species. The applicant has noted that the timing of any habitat clearance works would need to be carefully timed because of the multi-species constraints present at the site and has included information in relation to each species however further information would be helpful. A method statement which incorporates considerations in relation to all protected / designated species can be required by a pre-commencement condition to address this matter.
96. The Conservation of Habitats and Species Regulations 2018 requires Kent County Council, as the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, in relation to bats, three tests need to be considered when deciding whether to grant planning permission for the proposed development because it is likely that a EPSL would be needed from Natural England for the works to proceed should planning permission be granted.
97. Firstly, that a licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
98. This is a matter of planning judgement, as we are required to take a view as to whether Natural England would be likely to grant a European protected species mitigation licence based upon information that would need to be submitted to Natural England by the applicant at a later date.
99. The applicant has sought pre-application advice from Natural England for this. The applicant states that they intend to apply for a European protected species mitigation licence (EPSML) to carry out the proposed development due to the impacts upon bats because of the proposed infilling of the northern tunnel and works to the eastern and western cliff faces. They also state that they intend to rely upon a NERC Act legal agreement with Natural England for the proposed works.
100. Given the policy support for a Fastrack connection between Eastern Quarry and Bluewater and the contribution towards achieving a modal shift in the context of new development within the area I consider that the proposal would make a contribution to

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meeting the sustainable transport needs and the connectivity requirements of other development in the area. The proposal would have social and economic benefits. In these terms, the proposal would contribute to meeting other public interest requirements. In terms of the justification for backfilling the northern tunnel, the applicant considers that the proposal meets the overriding public interest test as infilling of the tunnel removes the potential for antisocial activity and removes any security concern that would arise if the tunnel were not infilled. The area would be accessible to residents of some 6250 new houses within the Eastern Quarry development along with those of existing housing within Swanscombe to the north of Eastern Quarry. Because of the ground levels within Eastern Quarry, access to the tunnels would not be possible and they could effectively become more like caves.

101. The second test is that the appropriate authority shall not grant a licence unless they are satisfied that there is no satisfactory alternative. In considering this test the applicant will need to demonstrate to Natural England that they have considered alternative means of achieving the development whilst minimising the impact on the protected species. An explanation of the alternatives and justification of the options would be required along with consideration of do nothing. A specific need would need to be demonstrated and that reasonable steps have been taken to minimise the impacts of a development on the protected species. The applicant has considered other alternative means of achieving the development without the creation of a new tunnel. All options would give rise to impacts to bats. The applicant considers that the test is met because there is not in their view a satisfactory alternative if a Fastrack and pedestrian/cycle link is to be created. They consider that the creation of a new tunnel would have less disturbance to bats than other options which would have involved considerable works to the existing tunnels to realign to the required profile. They consider that the northern tunnel is less used by bats and the most activity is in the southern tunnel which would be retained and enhanced. They consider that the northern tunnel needs to be infilled for public safety and to reduce the KCC maintenance burden in the longer term in relation to maintaining the northern tunnel. Closure of the tunnel could be addressed in other ways such as by fencing, bunding or blocking however this would increase the maintenance burden and would in my view have other impacts in relation to visual amenity.
102. This is also a matter of planning judgement. The proposal could not proceed without an EPSL. In the event that one is not granted because the proposal includes the infilling of the northern tunnel, it is likely that the proposal in its current form would need to be amended which would require a further application for planning permission to be made. I consider that more detailed information would need to be submitted to Natural England as part of the EPSL application at a later date and that sufficient information has been provided at this stage to demonstrate to the County Planning Authority that there is currently no satisfactory alternative to this proposal.
103. In summary, should Members decide in favour of the proposal, the applicant would need to secure an EPSL licence before the development could proceed.
104. The third test is that the appropriate authority shall not grant a licence unless they are satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
105. The Ecology Advice Service's considers that the proposed approaches to mitigation and compensation for bats would satisfy the requirements of the third test. I therefore consider

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that the mitigation and compensation measures in relation to bats that have been proposed within the planning application are likely to be acceptable, although an EPSL application to Natural England would also need to be made.

106. Two of the neighbour objection comments received relate to biodiversity matters. First, that there is removal of some priority habitat and that the application inadequately considers the loss of habitat. The comment is that there should be an enhancement of biodiversity, not just in terms of replacement trees but in terms of the overall condition of the ecosystem.
107. National policy in the NPPF (paragraph 175) encourages the implementation of enhancements for biodiversity and encourages opportunities for biodiversity improvements around developments especially where this can secure measurable net gains for biodiversity. It also encourages (paragraph 170) policies and decisions which contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is also reflected within policy CS14. The site is located within an indicative biodiversity opportunity area. Opportunities for enhancement are included within the application in relation to additional tree planting and replacement reed bed planting and the applicant states that net gain would be achieved via the Eastern Quarry development that links to this scheme. It should be noted that I have not received objection from the Borough Council, EDC or the County Council Ecology Advice Service in relation to the provision for enhancements and the requirements of policy CS14.
108. Secondly, a view that the works on the northern tunnel would have a significantly detrimental effect on the bat population, although mitigation is proposed to be achieved in the southern tunnel. As discussed above works on the northern tunnel would require an EPSL to be first obtained. Whilst Natural England were consulted on the proposal, they referred us to Standing Advice and our own Ecological Service advice. Whilst the infilling of the northern tunnel may impact on bat population the proposal includes mitigation and compensation which we are advised by our Ecology Service to be acceptable. I consider that mitigation and compensation matters can also be required by condition.
109. The Residents Association comment that the wildlife corridor tunnel is missing from some drawings and the applicant states that they are shown on the relevant plans. I consider that the wildlife corridor tunnel is shown to the west of the proposed tunnel, on the general arrangement plan and the proposed drainage plan and that this is sufficient.
110. In summary, I consider that the proposal in this location is necessary in order to provide connectivity required by development supported by the Local Plan policies. The proposal cannot be avoided through locating on an alternative site with less harmful impacts as the direct crossing point between Eastern Quarry and Bluewater is limited to the locations to the south of Eastern Quarry that adjoin the western edge of Bluewater. The creation of a new tunnel would require some amendments to the existing land use either side and in this case that relates to existing reed bed and water body and tree planting. That would be the case whether a new tunnel is created or the existing ones used. I consider that this element of the proposal could not be avoided if a link is to be provided between the two sites as supported by planning policies. The proposal includes mitigation and compensation and therefore also accords with national planning policy guidance and the policy requirements of DP25 and CS14 have been addressed. There have been no

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statutory objections to the proposal on biodiversity matters. The proposal would however require the applicants to obtain an EPSL in order for the development to take place.

Drainage

111. Policies CS25, DP2, DP5 and DP11 seek to ensure that water is managed and the impacts of development on drainage are adequately considered.
112. A number of services are located in the vicinity of the tunnel including Thames Water underground water assets which would require appropriate precautionary measures to be undertaken. The applicant has confirmed that they are in discussion with Thames Water in relation to working near their assets. The proposal is also located within 15m of a strategic water main and conditions are requested by Thames Water to restrict piling works near to their equipment. The applicant does not propose piling. The works are also within 5m of a strategic water main and Thames Water request a condition to prevent such works until further information has been submitted regarding how the applicant intends to divert or realign the development so as to prevent the potential for damage to water infrastructure. The applicant has been in discussion with Thames Water in relation to development near their assets. I consider that a pre-commencement condition could be used to require this information and the applicant has agreed to such a condition.
113. With regard to surface water, prior approval would be needed to discharge to the Thames Water system, although this is not proposed by the applicant. Thames Water raise no objection to the proposal if the developer follows the sequential approach to the disposal of surface water.
114. The proposal is located within flood zone 1. The application states that the risk of flooding because of the proposal is negligible and consequently, no detailed flood risk assessment has been carried out.
115. The application states that rain falling within the Eastern Quarry would be dealt with by Eastern Quarry development systems with connections designed according to Eastern Quarry requirements by the developer there. At the tunnel portal there would be no surface water entering the tunnel other than on the bus wheels. Any water would run towards the Bluewater drainage system. Water falling on the western side of Bluewater parkway in new impermeable pavement areas and from the road connection to the tunnel would be routed to lake 4 via interceptors feeding into existing systems where the applicant states that there is sufficient capacity.
116. The application has not given rise to any adverse comments from the Environment Agency with regards to drainage matters although they advise that drainage for the tunnel must be connected to and have regard to the water management strategies for both the Bluewater and Eastern Quarry. They also advise that tunnelling activity should be undertaken in a manner not likely to create impacts on the underlying chalk aquifer having regard for the potential water abstractions in the vicinity.
117. KCC Flood and Water Management initially raised a holding objection concerning the interface of the tunnel to the wider network particularly concerning future development within Eastern Quarry, however this was subsequently withdrawn. They are now satisfied that provision will exist for connection of this proposal to the wider network, subject to conditions concerning submission and approval of a detailed sustainable surface water drainage scheme for the site to demonstrate that the surface water generated by this

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development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. This will also need to demonstrate (with reference to published guidance): that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters and that appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. I am satisfied that this can be required as a pre-commencement condition to ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

118. A condition is also recommended concerning submission and approval of a Verification Report pertaining to the surface water drainage system to demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved and to contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed. I am satisfied that this condition can also be used.
119. A representation comment has been made that the closure of the northern tunnel is driven by the costs of controlling potential water run-off. The applicant has clarified that the proposed infilling of the existing northern tunnel has no connection with surface water run-off and that because the ground levels would be higher within Eastern Quarry than the existing tunnel inverts, measures would be required on the Eastern Quarry side to prevent surface water run off and would be achieved by bunding.

Waste management

120. The proposal would give rise to waste arising through tunnelling and it is expected that approx. 6000m² of excavation waste from construction waste would be created from the tunnel works. No contamination is expected. The application details that waste would be expected to be used for fill material within the Eastern Quarry; for fill material within the existing northern tunnel and be taken to the Eastern Quarry recycling compound. No off-site removals are expected other than via Eastern Quarry.
121. The Environment Agency advise that any development using waste or other material for engineering works may require an Environmental Permit unless it is exempt from the need for a permit and ask that the applicant contact them to discuss permitting implications of the proposal. The applicant would be required to agree a waste recovery plan for any activity involving the recovery of waste on land as part of the permit. This can be included in an Informative.

Archaeology

122. The proposal is located in an Area of Archaeological Potential. No comments have been received from the Archaeological Service and given the location of the works I do not consider that the proposal is unacceptable in relation to these impacts.

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Landscaping

123. The proposal includes replacement planting to compensate for the loss of 23 trees comprising a total mix of 50 trees of oak, elm, birch, elder and acer trees all grown in UK, beside Lake 5 within Bluewater. A plan showing the location of the trees that would be removed and the location of replacement planting has been submitted and the applicant has confirmed that it was originally proposed to plant 30 replacement trees however this has been revised to 50 trees.
124. The Residents Association raise comments about the location of the replacement planting proposed beside Lake 5. The applicant has confirmed that the proposed location has been agreed with Bluewater and that the picnic tables and play equipment are to be retained along with access for Bluewater visitors using the walking routes around the lake. The trees would be planted with more emphasis on planting nearer the lake and in lesser used parts of the area. Given that no statutory objection has been raised to the proposed location I do not consider this to be unacceptable.
125. Transportation Planning also raised a number of points of detail for the applicant to consider relating to the proposed landscaping plan in relation to highway matters and the proposed lighting, including in relation to the amount of planting and planting environment for lavender and fern.
126. Transportation Planning consider that a thorough assessment of the function of the footway and carriageway is essential before taking the decision to plant trees and that trees should be located appropriately where they will not unduly interfere with the functions of other items of street furniture, particularly those related to safety, such as traffic signs and streetlights. In addition, they comment that trees planted within close proximity to streetlights can create areas of shadow leading to a poor lighting scheme that is potentially not to the required lighting standards. This can increase risks for road users and pedestrians. Trees can also cause damage to the lighting due to branch movement and residue deposits.
127. I consider that further landscape planting details can be required by condition to address these landscape and planting matters.
128. Dartford Borough Council also comment on the detailed design and the likelihood of creation of a desire line between the pedestrian/cycle crossing of Bluewater Parkway and the shopping centre itself via the car park which in their view may result in the erosion of the landscaped verge and pedestrians emerging between cars in the car park. The Council would request that measures are taken to deter such access or that a direct pedestrian link is provided through the car park. The Residents Association also comment in relation to this. These matters could also be addressed by the provision of further details regarding landscaping and fencing detail and the applicant has confirmed that measures would be provided to deter access across the Bluewater car parks. Furthermore, Ebbsfleet Development Corporation also recommend details of hard landscaping materials are secured by condition to ensure they accord with those identified in the Eastern Quarry Area Masterplan. In order to address soft and hard landscaping matters, I intend to request further details by condition. With the inclusion of conditions requiring further details of soft and hard landscaping, I consider that the proposal would address the requirements of policy DP2 concerning design; and DP4 concerning transport access and design.

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Lighting

129. The proposal includes lighting within the tunnel and street lighting, and as discussed in relation to biodiversity matters above, the lighting proposed needs to take account of impacts to bats.
130. Transportation Planning advise that the selected luminaires are to Bluewater specifications for the column mounted units and the tunnel lighting drawing specifies blue LED uplighters behind the cladding which are decorative and serve no highways lighting purpose. The applicant has clarified that purpose designed tunnel lighting would also be provided.
131. Transportation Planning raise a number of detailed comments about the lighting provision, connection and maintenance arrangements. The applicant requests that these detailed matters could be resolved by way of a condition which can require additional detail to be submitted for approval.
132. It is expected that these matters would be co-ordinated at the detailed design stage and further details of lighting would need to be provided. I am satisfied that these details can be required by condition along with details of lux level calculations.

Design matters and visual impact

133. The proposal is located in an area which is currently vegetated and the existing tunnels at the site to the west are well screened and within the Eastern Quarry development to the east are not currently accessible to the public and are subject to earth moving and ground level works. The removal of vegetation from the existing tunnel access and the proposed works to the existing tunnels along with the construction works to create a new tunnel would change the appearance in this area. However, this is necessary in order for the works to take place.
134. Cliff stabilisation in the vicinity of the tunnel is also provided in the form of rock netting which would cover an area approx. 11m from the tunnel portal on both directions for the whole cliff height during construction. Once construction has been completed this would be removed and a section of false tunnel or tunnel hood would be built. The proposed new tunnel entrance points to the west and east would extend further than the cliff face and there would be a tunnel canopy. This is to provide protection from any loose rock fall. A condition can be used to require further details of the false tunnel or tunnel hood and any landscaping required as a result of the proposed infilling of the northern tunnel and works to the southern tunnel portals.

Other matters

135. There has been objection to the level of consultation with the public and elected Members in Dartford. The extent of community involvement and consultation is set out in the planning application and this includes consultation pre-application discussion with the County Planning Authority, Ebbsfleet Development Corporation, Dartford Borough Council and landowners. The planning application states that there would be public engagement which is likely to be as part of a wider Fastrack roll out of the extended route. It is noted that the principal of Fastrack is included within adopted planning policy which will have been subject to public consultation and public consultation as part of the master planning of Ebbsfleet Garden City that has already happened.

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136. The planning application has been publicised by the County Planning Authority in accordance with statutory requirements and the County Council's Statement of Community Involvement relating to planning matters. This has included the Borough Council and Ebbsfleet Development Corporation. The relevant local KCC Member have also been advised of the planning application.
137. The concerns raised about the addition of the proposal within the agenda for the local Dartford joint transport board meetings, taxpayer investment and financial risk and the funding mechanism are not considered to be relevant to the decision-making process for the planning application. Concerns have also been raised about the extent of modal shift that would be achieved. There is policy support for Fastrack based on achieving a modal shift and this proposal would in my view certainly assist towards achieving that objective with a direct link into Bluewater for existing residents and for the new residents that would be located within new residential development within Eastern Quarry and who otherwise would have to drive a car if it was easier than using public transport.

Conclusion

138. This proposal seeks to provide a direct sustainable transport link between new development that is taking place within Eastern Quarry and the Bluewater regional shopping centre. It would extend the route for the existing Fastrack bus link and provide a direct link to Bluewater thus reducing the reliance on the car. It would also provide a direct cycle and pedestrian link.
139. The proposal has given rise to a variety of issues, including in relation to the impact on the highway network at Bluewater; the scheme design in relation to the provision for pedestrians, cyclists, bus transport and other means of transport and air quality. The location of the proposal means that a key consideration in relation to the impacts of the proposal is in relation to biodiversity matters and in particular in relation to the impact of the proposal to bats. The applicant would need to obtain a European Protected Species Licence from Natural England in order for the development to proceed.
140. The proposal has not attracted any statutory objections, subject to conditions requiring further details submitted as discussed above. I consider that the development has been designed to minimise the impact of the development in so far as is possible. In addition, subject to the imposition of the conditions outlined throughout this report, I consider that the proposed development would not have a significantly detrimental impact on the local highway network, or the amenity of local residents, and would accord with the principles of sustainable development as set out in Development Plan Policies and the NPPF. In addition, there is strong policy support for the provision of a link between Eastern Quarry and Bluewater which would enable the Fastrack scheme to be extended. Therefore, subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained in the NPPF.

Recommendation

I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions covering (amongst other matters) the following:

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- The standard 3 year time limit;
- The development be carried out in accordance with the permitted details;
- Submission and approval of details of external hard landscape materials and proposed fencing details;
- Prior to commencement, the submission and approval of a detailed sustainable surface water drainage scheme including appropriate operational, maintenance and access requirements;
- Submission and approval of a Verification Report, pertaining to the surface water drainage system to demonstrate the suitable modelled operation of the drainage system;
- Prior to commencement, submission of details to satisfactorily demonstrate the diversion of water asset to prevent the potential for damage to subsurface potable water infrastructure;
- Submission and approval of further details of the length and depth of the provision of twin 800mm diameter pipes and headwall proposed as a culvert for the Eastern Quarry where crossing the proposed access road;
- Arrangements to address any unforeseen contamination found during development;
- In the event of unforeseen contamination, arrangements to review the air quality dust impact assessment;
- Submission and approval of details of highways design improvements to be incorporated into the scheme to address minimum stagger distance, provision of raised kerbs and call forward demand;
- Ecological survey and supervision to be carried out in accordance with details as set out in the application; including measures to secure a European Protected Species Mitigation Licence from Natural England, to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats and a pre-construction bird survey;
- Submission and approval of external lighting details, including in respect of the impacts of external lighting to bats and to accord with The Institute of Lighting Professionals Bat and Artificial Lighting in the UK Guidance Note 08/18.
- Submission and approval of details of proposed landscape planting, to include native species and suitability for bee pollination where appropriate and to address the concerns raised above by the Borough Council and the Highway Authority relating to the impact upon potential desire lines and highway considerations;
- Submission and approval of details of the final profile and appearance of the existing tunnel face to the west and east of the existing tunnels and any landscaping requirements;
- Submission and approval of details of the proposed false tunnel or tunnel hood;
- Prior to commencement, submission and approval of a Construction Environment Management Plan including details in relation to mitigation of dust and air quality measures during construction;
- Prior to commencement submission and approval of a Construction Management Plan in relation operational hours during construction, to routing of construction and delivery vehicles, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, provision of wheel washing facilities and any temporary traffic management and signage;
- Restricting piling unless a piling method statement has been submitted and approved;
- Prior to commencement, submission of a method statement which incorporates a timeline in relation to vegetation removal and considerations in relation to all protected / designated species.

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I FURTHER RECOMMEND THAT THE Applicant BE ADVISED of the following Informatives relating to:

- The need for a European Protected Species Mitigation Licence (EPSL) from Natural England to provide a mechanism to ensure that any mitigation/compensation is safe from foreseeable development and habitat management threats.
- Developer consultation with the relevant utility companies;
- Waste management advice from the Environment Agency including that in relation to contamination;
- The Environment Agency's advice regarding permitting requirements and waste transportation to and from the development;
- Drainage connection for the tunnel which have regard to the water management strategies for both the Bluewater and Eastern Quarry developments.
- Advice from the Environment Agency that the tunnelling activity should be undertaken in a manner not likely to create impacts on the underlying chalk aquifer, having regards to potential water abstractions in the vicinity.
- Advice from Thames Water concerning working near its underground waste water assets; surface and foul water drainage and piling and working in close proximity to underground strategic water main, utility infrastructure.

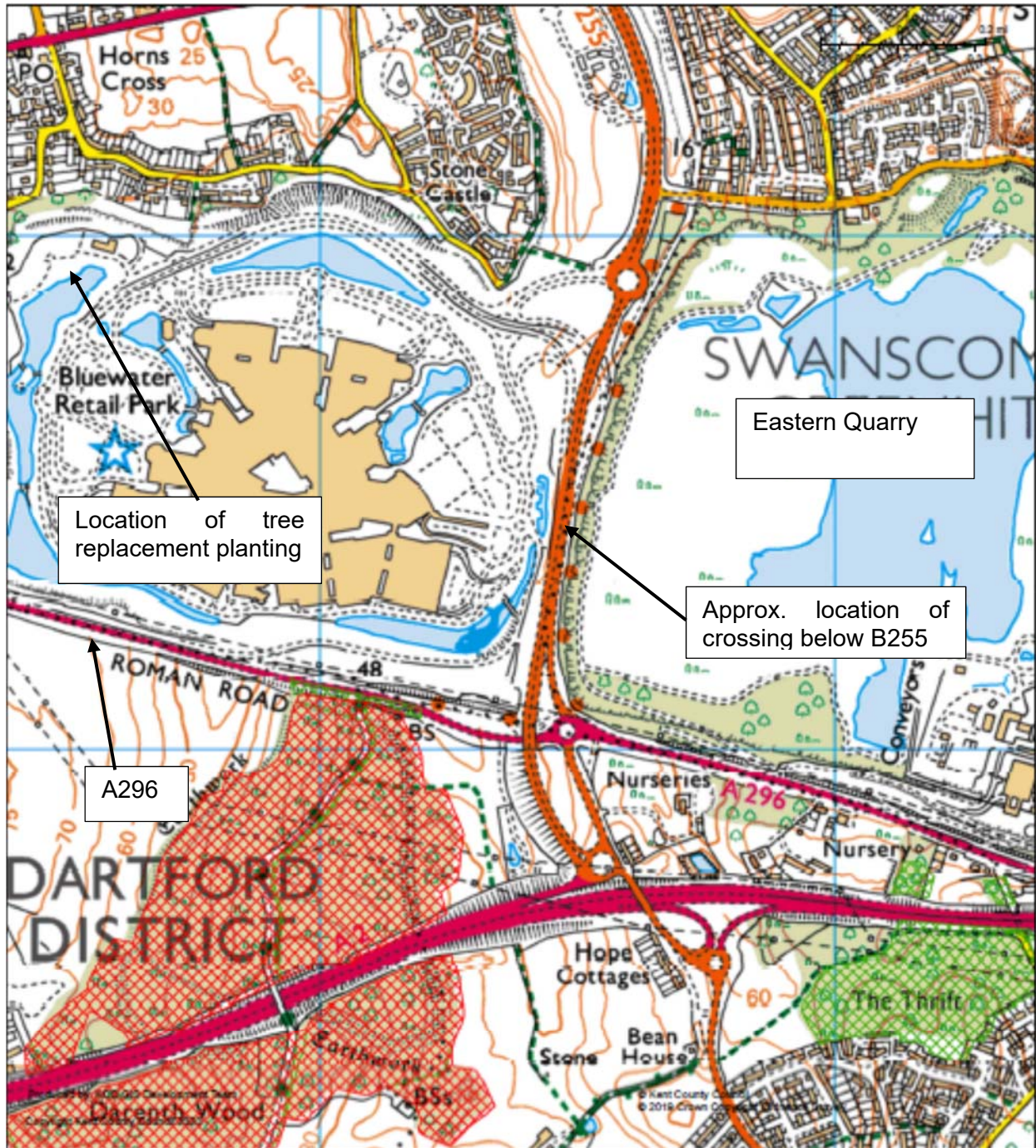
Case Officer: Mrs Hazel Mallett	Tel. no: 03000 411200
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Background Documents: see section heading

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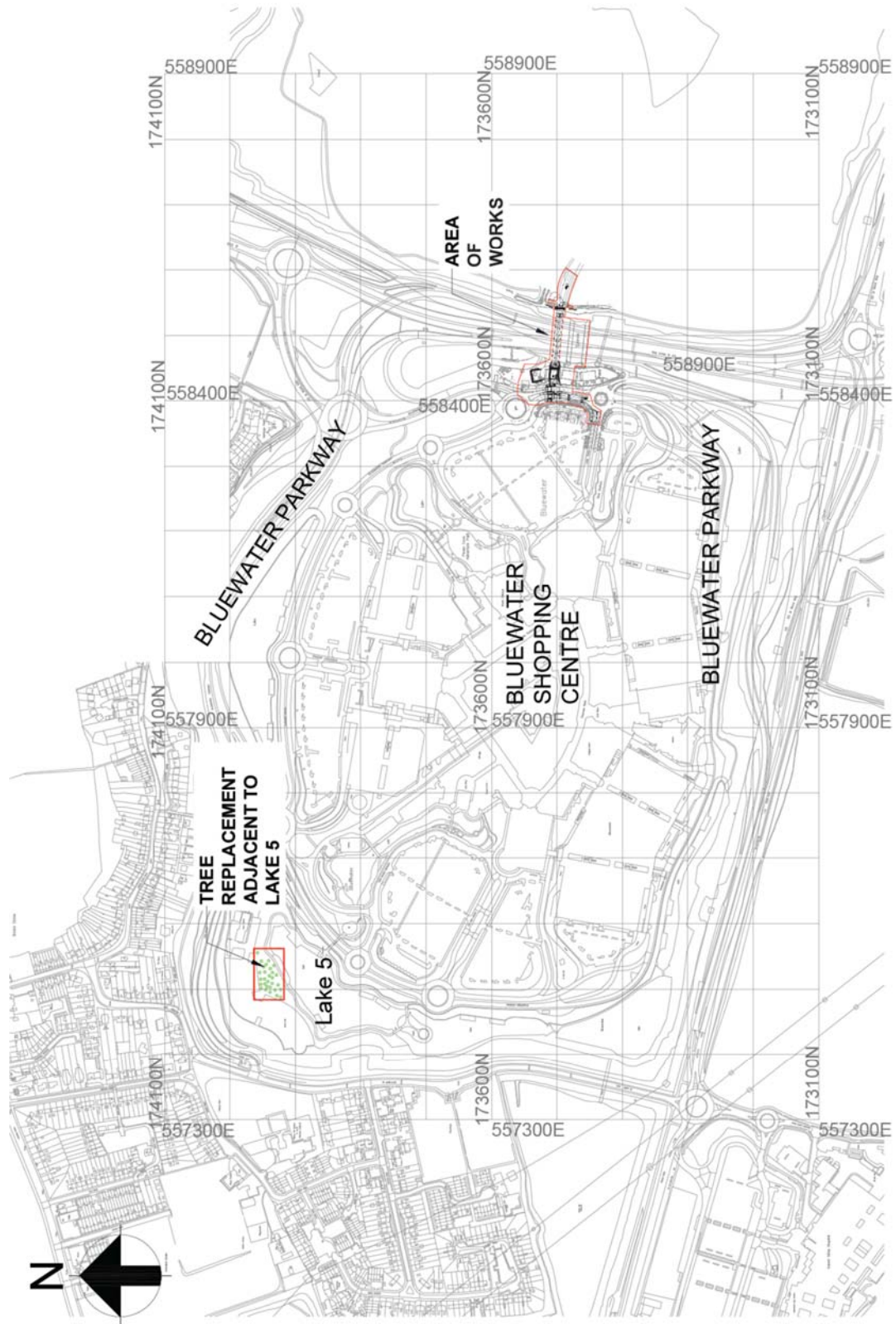
Location Plan



- Legend
-  Sites of Special Scientific Interest (SSSI)
 -  Ancient Woodlands

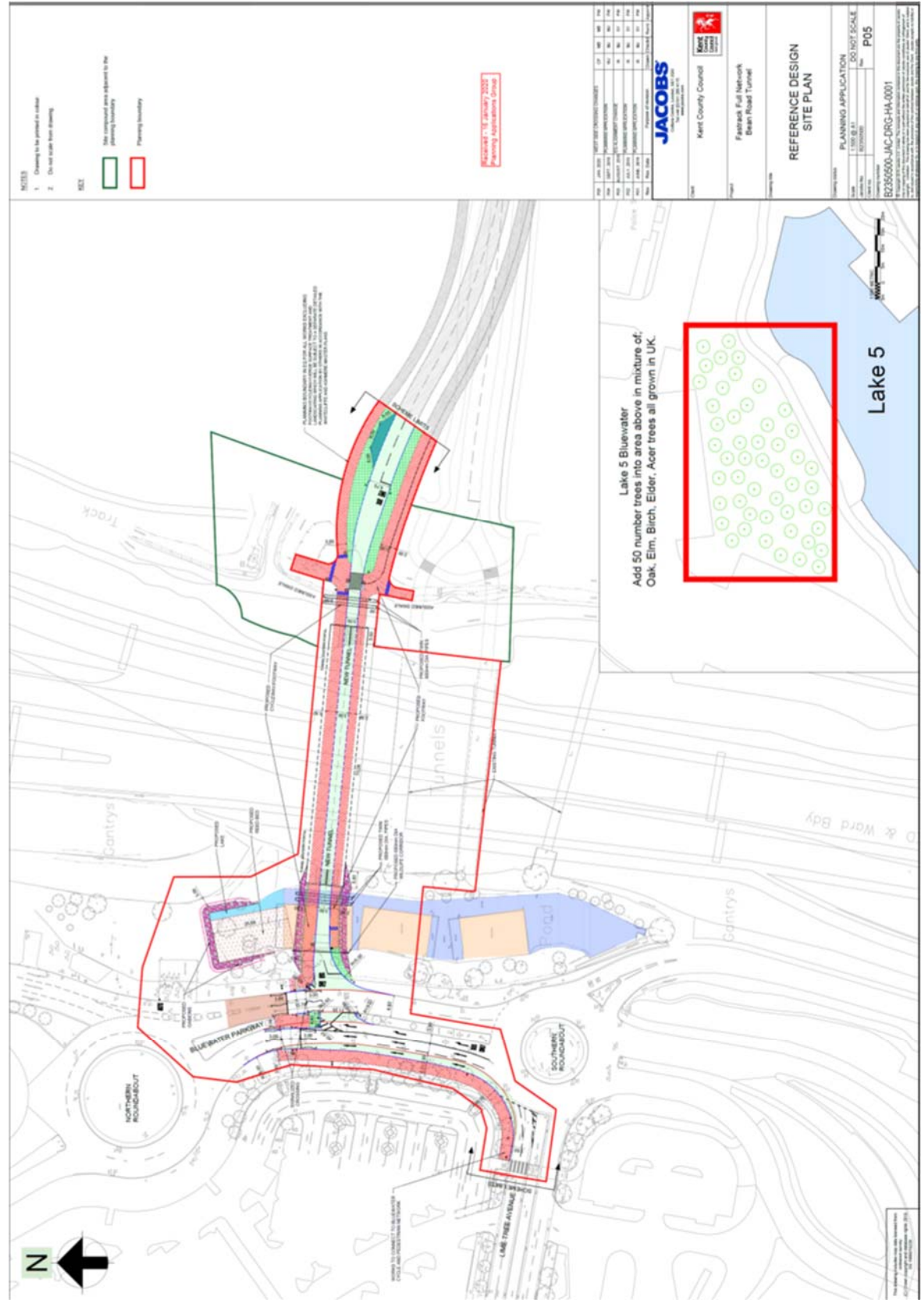
Proposed new tunnel and associated road works to include bus, cycling and pedestrian access - DA/19/1549 (KCC/DA/0232/2019)

Site Location Plan



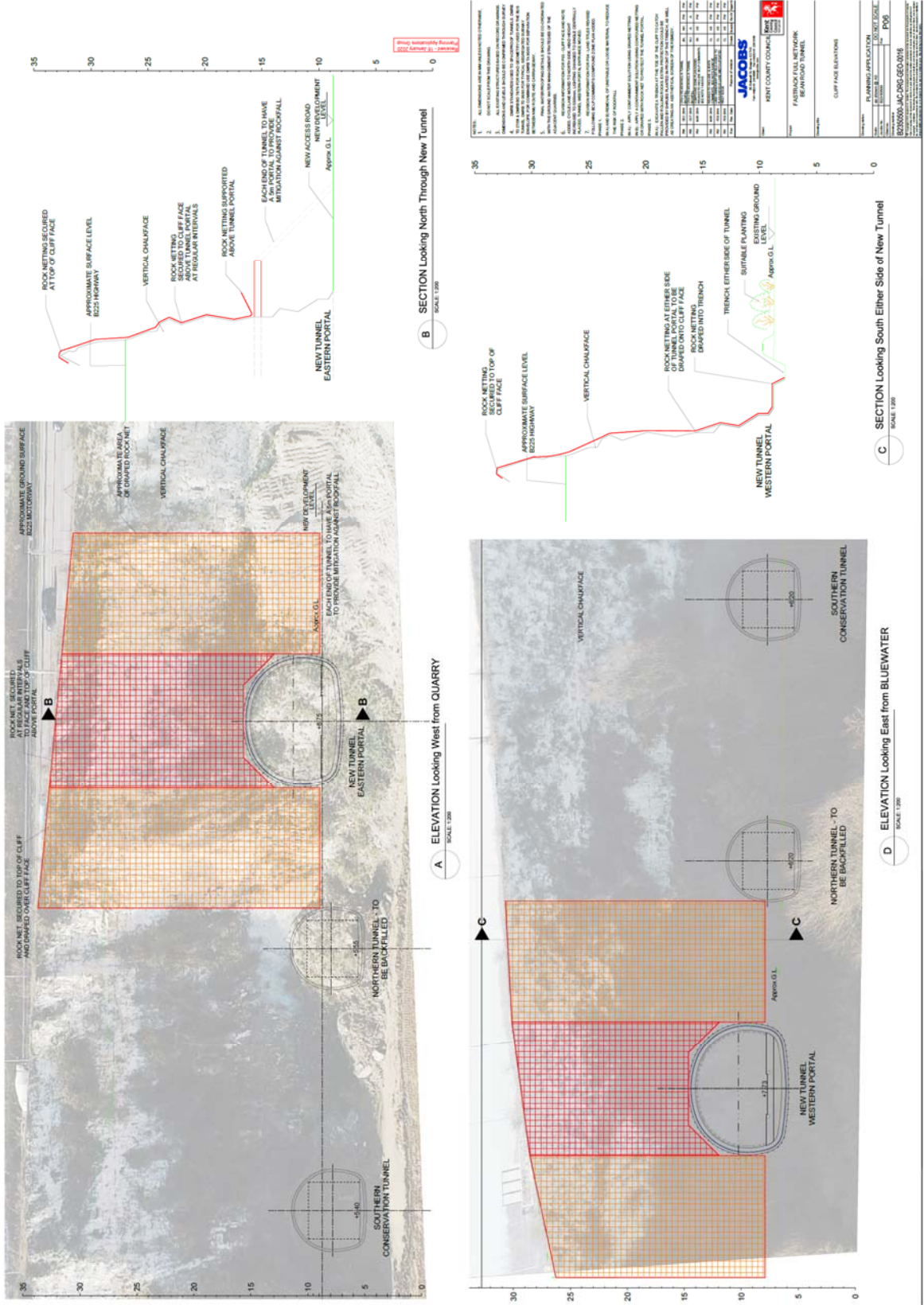
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General Arrangement Plan



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Cliff Stability



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

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

Background Documents - The deposited documents.

- AS/19/1784 Installation of a Motor Control Centre (MCC) Kiosk.
Waterbrook Park Wastewater Pumping Station, Waterbrook Avenue,
Ashford, Kent TN24 0GB
Decision: Permitted
- DA/18/485/R19&R21 Details of a Surface Water Drainage Scheme and a Consolidated
Landscape Planting and Management Scheme pursuant to Conditions
(19) and (21) of planning permission DA/18/485 (for the restoration of
the northern half of Stone Pit 1).
Stone Pit 1, Cotton Lane, Stone, Dartford, Kent DA9 9ED
Decision: Approved
- DA/19/1626 Regularisation and extension of the existing Green Waste Composting
(GWC) facility and construction and operation of a biomass combined
heat and power (CHP) plant for the processing of up to 5,200tpa of
locally sourced green waste and timber and associated facilities and
landscaping.
St Margarets Farm, St Margarets Road, South Darenth, Dartford, Kent
DA4 9LB
Decision: Permitted
- SE/08/675/R5A Revised five-yearly review of progressive working and restoration
scheme submitted pursuant to condition 5 of planning permission
SE/08/675.
Sevenoaks Quarry, Bat & Ball Road, Sevenoaks, Kent TN14 5SR
Decision: Approved
- SW/19/504919/R3&4 Details of Final Bridge Construction and Precautionary Ecological
Mitigation Strategy pursuant to conditions 3 & 4 of planning
permission SW/19/404919.
MVV Environment, Ridham Dock Biomass Facility, Lord Nelson Road,
Iwade, Sittingbourne ME9 8SR
Decision: Approved
- SW/19/505619 Full planning permission for use of land for use as an inert materials
processing facility for soil washing including installation of associated
plant, drainage and earthworks.
Vacant land at Church Marshes, Sittingbourne, Kent ME10 2QE
Decision: Permitted

- TM/00/2827/R Application for a non-material amendment to the details approved pursuant to planning permission TM/00/2827 to allow substitution of surfacing of the new access and haul road from tarmac and concrete to tarmac.
Aylesford Quarry, Rochester Road, Aylesford, Kent, ME20 7DX
Decision: Approved
- TM/10/2029/RVAR/
BA Non-material amendment to planning permission reference TM/10/2029/RVARB to allow for a minor change to the approved layout of the transport workshop and HGV parking area.
Hermitage Quarry, Hermitage Lane, Aylesford, Kent, ME20 7PX
Decision: Approved

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

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

Background Documents – The deposited documents.

- AS/19/705/R3&R4 Details of external materials (Condition 3) and details of external lighting (Condition 4) pursuant to planning permission reference AS/19/705.
Parcel PS1 to the south of Mock Lane on the Chilmington Green development in Ashford
Decision: Approved
- AS/19/705/R20 Details of a Surface Water Drainage Scheme pursuant to condition 20 of Planning Permission AS/19/705.
Parcel PS1 to the south of Mock Lane on the Chilmington Green development in Ashford
Decision: Approved
- AS/19/705/R23 Details of a Construction Management Strategy pursuant to Condition 23 of planning permission AS/19/705.
Parcel PS1 to the south of Mock Lane on the Chilmington Green development in Ashford
Decision: Approved
- CA/19/1513/R6 Details of cycle parking facilities pursuant to Condition 6 of planning permission CA/19/1513.
Simon Langton Girls Grammar School, Old Dover Road, Canterbury, Kent CT1 3EW
Decision: Approved

CA/19/1513/R21	<p>Details of Landscape & Ecological Management Plan pursuant to condition 21 of planning permission CA/19/1513. Simon Langton Girls Grammar School, Old Dover Road, Canterbury, Kent CT1 3EW Decision: Approved</p>
CA/19/1633/R3, 9 & 16	<p>Details of external materials (Condition 3), archaeological written scheme of investigation (Condition 9) and construction management plan (Condition 16) pursuant to planning permission CA/19/1633. Former Chaucer Technology School, Spring Lane, Canterbury, Kent CT1 1ST Decision: Approved</p>
CA/19/1633/R10	<p>Details of a sustainable surface water drainage scheme pursuant to Condition 10 of planning permission CA/19/1633. Former Chaucer Technology School, Spring Lane, Canterbury, Kent CT1 1ST Decision: Approved</p>
CA/19/2221/R4&R11	<p>Details of a Construction Management Plan (Condition 4) and a Sustainable Surface Water Drainage Scheme (Condition 11) pursuant to planning permission CA/19/2221. Water Meadows Primary School, Shaftesbury Road, Hersden, Canterbury, Kent CT3 4HS Decision: Approved</p>
DA/18/0094/RVAR	<p>Details of materials (Condition 3), Landscaping (Condition 4), Drainage/SUDS (Condition 17) and Construction Management Strategy (Condition 23) pursuant to planning permission DA/18/0094. Wilmington Grammar School For Girls, Parsons Lane, Wilmington, Dartford, Kent DA2 7BB Decision: Approved</p>
DO/19/1120/R3	<p>Details of materials pursuant to condition 3 of planning permission DO/19/1120. Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ Decision: Approved</p>
DO/19/1120/R15	<p>Details of Drainage Documentation pursuant to condition 15 of planning permission DO/19/1120. Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ Decision: Approved</p>
DO/19/1120/R18	<p>Details of Drainage pursuant to condition 18 of planning permission DO/19/1120. Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ Decision: Approved</p>
DO/19/1120/R20	<p>Details of Ground Investigation pursuant to condition 20 of planning permission DO/19/1120. Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ Decision: Approved</p>

- DO/19/1120/R24 Details of a Reptile Receptor Site pursuant to condition 24 of planning permission DO/19/1120.
Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ
Decision: Approved
- DO/19/1120/R33 Details of an Arboricultural Method Statement pursuant to condition 33 of planning permission DO/19/1120.
Dover Grammar School For Boys, Astor Avenue, Dover, Kent CT17 0DQ
Decision: Approved
- DO/20/327 Demolish existing mobile classroom, construct new traditionally constructed extension off the existing school building. The Proposal is to renew the existing timber framed mobile with a traditionally constructed brick/block classroom with a flat roof - connecting into the existing flat roofed extension.
Worth Primary School, The Street, Worth, Deal, Kent CT14 0DF
Decision: Permitted
- FH/19/1446 Change of use of land from C3 to D1 to accommodate an expansion from 0.5FE to 1FE including the construction of a new classroom block to accommodate 6 classrooms with associated storage and toilet facilities, a new landscaped play area and hardstanding and additional parking provision. A change of use from agricultural to D1 use to accommodate an increase in the size of the school playing field.
Sellindge Primary School, Main Road, Sellindge, Ashford, Kent TN25 6JY
Decision: Permitted
- GR/20/285 Section 73 application to vary conditions 2 and 12 of planning permission GR/18/0510 regarding alteration to cladding proposed and minor alterations to fenestration.
Mayfield Grammar School, Pelham Road, Gravesend, Kent DA11 0JE
Decision: Permitted
- GR/20/334 A temporary single storey, 2 classroom building to existing paved area at rear of the school site.
Gravesend Grammar School, Church Walk, Gravesend, Kent DA12 2PR
Decision: Permitted
- MA/17/501206/R3 & R5 Details of external materials (Condition 3) and details of construction vehicle loading/unloading and turning facilities and provision of parking facilities for personnel and visitors (Condition 5) pursuant to planning permission MA/17/501206.
Five Acre Wood School, Boughton Lane, Maidstone, Kent, ME15 9QF
Decision: Approved
- MA/18/502882/R7 Details of a hedgerow management plan pursuant to Condition 7 of planning permission MA/18/502882.
Maidstone Grammar School, Barton Road, Maidstone, Kent ME15 7BT
Decision: Approved

- MA/18/502882/R8 Details of a sustainable surface water drainage scheme pursuant to Condition 8 of planning permission MA/18/502882.
Maidstone Grammar School, Barton Road, Maidstone, Kent ME15 7BT
Decision: Approved
- MA/18/502882/R10 Details of a programme of archaeological work pursuant to Condition 10 of planning permission MA/18/502882.
Maidstone Grammar School, Barton Road, Maidstone, Kent ME15 7BT
Decision: Approved
- MA/18/502882/R18 Details of fencing pursuant to Condition 18 of planning permission MA/18/502882.
Maidstone Grammar School, Barton Road, Maidstone, Kent ME15 7BT
Decision: Approved
- MA/18/502882/R20 Details of the retaining structure to the north side of the pitch pursuant to Condition 20 of planning permission MA/18/502882.
Maidstone Grammar School, Barton Road, Maidstone, Kent ME15 7BT
Decision: Approved
- MA/18/502882/R22 Details of Construction Management Plan pursuant to condition 22 of planning permission MA/18/502882.
Maidstone Grammar School, Barton Road, Maidstone, Kent ME15 7BT
Decision: Approved
- MA/19/501705/R8 & R9 Details of measures to prevent the discharge of surface water onto the highway (Condition 8) and details of a sustainable surface water drainage scheme (Condition 9) of planning permission MA/19/501705.
Harrietsham Church Of England Primary School, West Street, Harrietsham, Kent ME17 1JZ
Decision: Approved
- MA/20/501103 Proposed demolition of existing Table Store and Servedy and the construction of an extension to the north of the school to provide a kitchen, office and ancillary spaces along with the construction of a glazed extension to the south to provide a new lobby to serve the main school entrance.
Park Way Primary School, South Park Road, Maidstone, Kent, ME15 7AH
Decision: Permitted
- SE/18/1521/RB Non-material amendment to planning permission SE/18/1521 to change the windows to the existing building to avoid removing existing structure in walls and to change the canopy to the new building from arch to monopitch to reduce the number of rainwater downpipes required.
Seal C of E Primary School, Zambra Way, Seal, Sevenoaks, Kent TN15 0DJ
Decision: Approved

SE/20/687	<p>The retention of an existing modular classroom building, and external pathways, fence and gate for a further temporary period of 5 years, to meet existing local social, emotional and mental health (SEMH) education needs.</p> <p>Seal C Of E Primary School, Zambra Way, Seal, Kent TN15 0DJ Decision: Permitted</p>
SW/20/501171	<p>The proposal is for erection of 2 no. metal canopies with clear cladding over, to the front (North) and rear (South) elevations of Tunstall C of E Primary School, to match the existing canopy which is on the North elevation of the School building. The proposed new canopies are required by the school to enhance the teaching spaces for the Year 1 and Year 2 teaching rooms, to provide additional all year external areas for both educational purposes and outside play activity.</p> <p>Tunstall C of E Primary School, Tunstall Road, Tunstall, Sittingbourne, Kent ME10 1YG Decision: Permitted</p>
TH/18/1504/R	<p>Non-material amendment to planning permission TH/18/1504 for a change in the surfacing for the farm track to the edge of the site from bound aggregate to bound macadam, and a change in the length of the passing place on the access track.</p> <p>Foreland Fields School, Newlands Lane, Ramsgate, Kent CT12 6RH Decision: Approved</p>
TH/19/1122/R5	<p>Details of a Construction Management Plan pursuant to Condition 5 of planning permission TH/19/1122.</p> <p>St Peter In Thanet C of E Junior School, Grange Road, Broadstairs, Kent CT10 3EP Decision: Approved</p>
TW/19/0281/R	<p>Non-material amendment to planning permission TW/19/0281 to alter the layout of the solar photovoltaic panels.</p> <p>Swattenden Centre, Swattenden Lane, Cranbrook, Kent TN17 3PR Decision: Approved</p>
TW/19/0281/R4	<p>Details of Landscaping pursuant to condition 4 of planning permission TW/19/0281.</p> <p>Swattenden Centre, Swattenden Lane, Cranbrook, Kent TN17 3PR Decision: Approved</p>
TW/19/3535	<p>Section 73 application for proposed changes to the approved design and layout of the scheme permitted under planning permission reference TW/18/7023.</p> <p>Hawkenbury Farm, Hawkenbury Road, Tunbridge Wells, Kent TN3 9AD Decision: Permitted</p>

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

Background Documents –

- *The deposited documents.*
 - *Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
 - *The Government’s Online Planning Practice Guidance-Environmental Impact Assessment/Screening Schedule 2 Projects*
- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-
- KCC/SW/0254/2019 Continued operation of Ridham Biomass Plant with minor variations to allow:
- 1) The export of shredded wood waste when the facility is not in operation;
 - 2) A variation of Condition 4 of planning permission SW/10/774 to increase the maximum throughput of fuel material by 4,600tpa from 177,200tpa to 181,800tpa to align the planning permission with the environmental permit for the site (EPR/TP3536CL/S003); and
 - 3) A variation of Conditions 5 and 6 of planning permission SW/12/1132 to increase the height of the stockpiles of wood within the storage yard and bays to a maximum of 7m in height
- Mv Environment Ridham, Lord Nelson Road, Ridham Dock, Iwade, Sittingbourne, Kent ME9 8FQ
- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-
- None

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

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

Background Documents -

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

KCC/SW/0061/2020 - Request for a Scoping Opinion to determine the information to be provided in an Environmental Statement to accompany a Section 73 planning application for the deletion of Conditions 10 & 11 of planning permission SW/16/500694 to remove the current waste restriction in order to allow waste to be accepted from sources other than the Allington EfW and to avoid duplication with the Environmental Permit to remove reference to specific waste types.

Norwood Quarry & Landfill Site, Lower Road, Brambledown, Minster-on-Sea, Isle of Sheppey, Kent ME12 3AJ

From: Ben Watts, General Counsel

To: **Planning Applications Committee – 27 May 2020**

Subject: Report on Use of Officer Delegated Urgency Provisions

Classification: **Unrestricted**

Summary:

The purpose of this report is to inform Members of the Committee of the decisions made under 10.15 of the Constitution. These decisions are not subject to review or revision by this Committee.

Recommendation:

That the Planning Applications Committee note the report.

1. Introduction

- 1.1 Under the Council Scheme of Delegation in the Constitution, Officers of Kent County Council are empowered to take action on urgent matters where there is no time to consult with the Committee or for the Committee to exercise its function.
- 1.2 In response to the Covid-19 outbreak, formal Council meetings were suspended. This meant that this Committee was unable to exercise its function. At the time the decisions referred to in this report were made, there was no provision for holding virtual meetings and any decision made at such a meeting would have been invalid.
- 1.3 The Constitution requires Officers to consult with the Chair of the Committee if time permits and to consult with local Members. Officers are also able to consult the Members of the Committee.
- 1.4 A Non-Executive Officer Record of Decision has been completed by the relevant Officer setting out the decisions taken and the reasons for it. A summary of the key points raised by those Members consulted is included.
- 1.5 It is important to note that the Officer taking the decision cannot by law have their discretion fettered by any comments made by Members. The decision is the responsibility of the Officer alone.
- 1.6 While there is a duty to report any and all decisions made under conditions of urgency, this Committee cannot review, revise or nullify the decision.

2. Decisions Taken Under Section 10.15 of the Constitution

- 1.7 The following decisions were taken by Officers under the provisions of urgency and the Non-Executive Records of Decision are appended to this report.

- (a) Temporary Body Storage Facility in response to the COVID-19 pandemic, former County Workshops Site, Aylesford.

3. Recommendation:

That the Planning Applications Committee note the report.

4. Background Documents

None.

5. Contact details

Ben Watts, General Counsel

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benjamin.watts@kent.gov.uk

KENT COUNTY COUNCIL – RECORD OF NON – EXECUTIVE DECISION TAKEN BY AN OFFICER UNDER SECTION 10.15 of the CONSTITUTION

<p>DECISION TAKEN BY:</p> <p>Sharon Thompson Head of Planning Applications</p>	<p>Under delegation from:</p> <p>Planning Applications Committee for retrospective planning application and Regulation Committee for the discretion to waive planning enforcement action</p>
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Subject Matter / Title of Decision

Temporary Body Storage Facility in response to the COVID-19 pandemic, former County Workshops Site, Aylesford

NOTE - [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

Decision:

As Head of Planning Applications, I agree that the County Council as Planning Authority exercises its discretion not to pursue enforcement action and concludes that it is not expedient to take enforcement action for the temporary development of a body storage facility on the former County Workshop site Aylesford, subject to the following conditions:

1. on or before 31st December 2020:
 - (i) any use of the land for the purposes as a temporary body storage facility shall cease and any buildings, plant, machinery, structures and erections on site shall be removed; and
 - (ii) the land shall be restored to its condition before the development took place.
2. The operator to ensure compliance with relevant legislation relating to the facility.

Reason(s) for decision:

This urgent decision relates to a request by the Director of Infrastructure for the temporary development of a marquee structure, portacabin and security fencing on the site of the former County Workshops Site in Aylesford to provide a temporary body storage facility to respond to the covid-19 pandemic. **Under the circumstances, a decision is sought as to whether the County Council as planning authority would exercise its discretion not to pursue enforcement action and conclude that it is not expedient to take enforcement action for the temporary development.**

In concluding that it is not expedient to take enforcement action, I have had regard to the following factors:

- 1) Planning enforcement is a discretionary function. Such action should only be taken when it is expedient to do so, having regard to all material considerations. Local planning authorities should act proportionately in responding to suspected breaches of planning control;
- 2) The Written Ministerial Statement of Robert Jenrick, dated 13 March 2020, which emphasises the discretionary nature of enforcement action, particularly in light of the issues raised by the coronavirus;
- 3) Additional temporary body storage solutions are required throughout Kent and Medway to respond to the Covid-19 pandemic. The current mortuary capacity in the County is insufficient to deal with the forecast number of additional fatalities, therefore additional space is required urgently in order to meet the requirements of the developing forecasts;
- 4) The County Council has an obligation under the Civil Contingency Act 2004 to take the lead in responding to humanitarian impacts that result from an emergency that straddles more than one District within the County. It also has a statutory obligation to make provision for the storage of bodies of deceased persons whose death is referred to the coroner;
- 5) On 3rd April 2020, the Government published a draft Statutory Instrument (SI) indicating its intention for a new PART 12A to the Town and Country Planning (General Permitted Development) (England) Order 2020 to address development matters arising as a result of covid-19. This would provide, subject to certain criteria being met, additional permitted development rights to local authorities for development for the purposes of—
 - (a) preventing an emergency;
 - (b) reducing, controlling or mitigating the effects of an emergency;
 - (c) taking other action in connection with an emergency.

Where the specified criteria is satisfied, development is deemed to be permitted and a planning application is not required.

- 6) The proposed development satisfies the criteria set out in the draft legislation. Measures are incorporated into the Order to ensure that the use shall cease no later than 31st December 2020, that any structures are removed and that the land is restored to its condition before the development took place.
- 7) Notwithstanding the above, a decision on the planning merits of the development were an application to be made would have balanced the need for the development against economic, environmental and social considerations. Such considerations are also relevant in determining whether to pursue enforcement action or not. It is proposed to locate the development on areas of existing hardstanding formerly used for parking and vehicular circulation. The former workshop site is within an industrial estate and mainly surrounded by business, warehousing, distribution and light industrial premises, although there are residential properties beyond to the south. The nearest residential property is about 60 metres away from the KCC ownership boundary separated by the road and other development. The site lies within the Urban Boundary as shown on the Maidstone Borough Local Plan 2017 and is within an area designated as an Economic Development Area.
- 8) In this instance, I am satisfied that the temporary and pressing need for the development outweighs other planning considerations. In particular, I note the temporary impact upon the economic planning designation, that traffic generation is unlikely to be in excess of previous uses on the site and that there should be adequate space for on-site parking. Hours of

operation are dictated by operational need and may involve limited unsocial/night-time activity. This is not considered overriding. In terms of local amenity and perception issues, the nearest properties would be affected by traffic movements but are physically separate from the proposed site locations which will be enclosed by fencing. There may be some concerns about the nature of the development but the activity would be carried out discretely and in accordance with the relevant guidance for transporting and handling bodies affected by COVID-19. I am therefore satisfied that this consideration is similarly not overriding;

9) The operator will be responsible for ensuring compliance with the relevant legislation relating to the facility. No post-mortem examinations or tissue/organ sampling will be taking place on site and there will be no public access. Operational procedures will be put in place to ensure that, during operation and decommissioning, environmental impact is minimised; and

10) Given the dynamic nature of the emergency response to the pandemic, legislative support for such activities is fast changing. Should the government fail to publish the proposed Statutory Instrument in a reasonable period of time, the Director of Infrastructure has confirmed that a retrospective planning application for the development of the temporary facility will be made.

I conclude that in light of the above and in these unprecedented circumstances that it is not expedient to enforce against the temporary development of a body storage facility on the Aylesford site, subject to the following conditions:

1. on or before 31st December 2020

- (i) any use of the land for the purposes the temporary body storage facility shall cease and any buildings, plant, machinery, structures and erections on site shall be removed; and**
- (ii) the land shall be restored to its condition before the development took place.**

2. The operator to ensure compliance with relevant legislation relating to the facility

Reason for use of delegated powers:

There is a pressing need to provide for additional body storage facilities within the County to respond to the Covid-19 pandemic. In this instance, there is insufficient time for a retrospective planning application to be considered by the Council's Planning Applications Committee.

Member Consultation (see Note 1):

The site falls within the Division represented by Paul Carter. Access to the site falls within Peter Homewood's Division. Both Members were provided with details of the proposal and invited to comment on the proposal in an email from the Head of Planning Applications 6th April 2020. Susan Carey as Cabinet Member for the Environment was also invited to comment.

The following comments were received:

No objection:

It seems abundantly clear that this facility must be provided and I am happy to support the decision.

I can confirm I have no objections and perfectly happy to proceed.

Chair consulted: Yes (See Note 2)

Alan Marsh as Chairman of Planning Applications Committee and Andrew Bowles as Chairman of Regulation were provided with details of the proposal and invited to comment on the proposal in an email from the Head of Planning Applications 6th April 2020.

The following comments were received:

No objection.

Considers that preparedness is key so agrees to initiate this sad but necessary policy

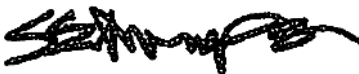
Do not think KCC in the current circumstances would wish in any way to be thought to be delaying or obstructing any measure to combat the virus or deal with its consequences. Secondly having read attachments thoroughly I feel this falls squarely within their scope. I therefore see no reason not to allow an urgency decision to proceed.

Information considered:

- Correspondence from Rebecca Spore, Director of Infrastructure dated 6th April 2020
- Written Ministerial Statement of Robert Jenrick, dated 13 March 2020
- Draft Statutory Instrument (SI) indicating Government intention for a new PART 12A to the Town and Country Planning (General Permitted Development) (England) Order 2020 relating to permitted development rights to address development matters arising as a result of covid-19
- Maidstone Borough Local Plan 2017
- National Planning Policy Framework 2019
- Comments received from elected Members

Conflicts of Interest Declared by the Decision-Maker

None



7th April 2020

.....
signed

.....
date

Notes:

1. The Constitution requires that the Chair and Local members be consulted. This is a minimum and additional Members may be consulted, such as the Members of the Committee. A record must be made of which Members have been consulted. Also note that while the Officer's decision will be informed by the consultation with Members, there must not be any fettering of the Officer's decision. This means there will be no informal voting or resolution by Members required as part of the consultation.
2. The Chair must be consulted if time permits. This part of the record records if it has been possible.

3.

Notes - Extracts from the Constitution

Urgent decisions by Offices

10.15 Senior Managers (or an Officer authorised by them) may take action on urgent matters, subject to 10.16, when:

- (a) The action or decision would otherwise require reference to, or consultation with, the Council or a Committee, or,
- (b) The exercise of a function is delegated to a Committee.

10.16 The urgent action in 10.15 may only be taken where there is no time to consult with the Council/Committee or for the Committee to exercise its function. The appropriate Chair must be consulted if time permits, and all such decisions should be reported to the next meeting of the Council or Committee.

Consultation with Local Members

22.68 - Officers must ensure that all Members of the Council are kept informed of issues, events, decisions and prospective decisions which will affect the Council, their own divisions and relevant information about non-KCC issues related to their service areas.

22.68 (f) Local Member views must be sought and included in all reports to Cabinet, Cabinet Members and Council Committees on any matter that appears to specifically affect their division. Any objection by a local Member to a proposed course of action shall be the subject of consultation with the relevant Cabinet Member.

List of Exempt Information

15.14 `The categories of exempt information are as follows:

Exempt Information

- (a) Information relating to any individual.
- (b) Information which is likely to reveal the identity of an individual.
- (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information), unless it is required that the information be registered under the Companies, Friendly Societies, Industrial and Provident Societies, Building Societies or Charities Acts.
- (d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority of a Minister of the Crown and employees of, or office holders under, the authority.

- (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (f) Information which reveals that the authority proposes:
 - i. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - ii. to make an order or direction under any enactment.
- (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

15.15 Information that falls within 15.14(a-g) is exempt information if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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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 27 May 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 Lenham Neighbourhood Plan - Regulation 16 Consultation Submission Version

F2 Planning for growth on the Hoo Peninsula consultation infrastructure.

F3 Ashford Borough Council – Fibre to the Premises (FTTP) Supplementary Planning Document (SPD)

Background documents: As set out in the reports.

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Growth, Environment & Transport

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Kent
ME14 1XQ

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

BY EMAIL ONLY

17 April 2020

Dear Nicola

Re: Lenham Neighbourhood Plan - Regulation 16 Consultation Submission Version

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

Lenham Neighbourhood Plan – Regulation 16 Consultation

1. Introduction

In principle, the County Council, as Local Highway Authority, has no objections to the Neighbourhood Plan, provided that the proposed modifications within this response are implemented.

The most pertinent matters relate to the deliverability of the proposed road junction onto the A20 and the need for associated planning applications to be supported by Transport Assessments that identify the cumulative impacts and full extent of the required mitigation.

The County Council welcomes the inclusion of policies which seek to ensure that the character of Lenham is retained, both in terms of the built environment, through good design of public and private realm, and through establishing policies which seek to retain the quality of the landscape and setting of the Kent Downs AONB.

2. Lenham Today

2.1 The Study Area – paragraph 2.1.4

The Parish Council should be aware that Lenham is an important medieval village with a large number of surviving historic buildings and a street plan that retains its medieval origins. Its history and development were reviewed by KCC in 2004¹ and the report remains a useful guide for assessing the historic impact of development proposals.

In addition to the listed and historic buildings and the medieval street plan, the village will contain archaeological remains relating to the heritage assets mentioned and earlier periods. For example, early Saxon graves have been found at the main crossroads in the centre of the village and a Saxon pit found on Faversham Road.

Beyond the village centre, there have been numerous discoveries from all archaeological periods. There are no definite Palaeolithic discoveries from Lenham, but there are numerous discoveries of Mesolithic flint implements from the parish. This includes an important site found at Sandway Road during the Channel Tunnel Rail Link excavations, as well as scrapers, blades and cores from elsewhere. A Neolithic axe was found at Lenham Court and many Neolithic flints from Chapel Farm. Bronze Age features have also been found at Sandway Road, Chapel Mill and Chapel Farm and there have also been several finds of bronze age metalwork including socketed axeheads, chisels, ingots and spearheads. A large iron age enclosure, related features and finds have been found east of Royton Manor by the Lenham Archaeological Society and iron age metalwork has been found across the parish. The Romano-British period is represented by pits and ditches found at Lenham Community Centre, as well as a cremation burial from Runhams Farm and a ditch at Groom Way. Other finds, such as a 2nd century flagon, iron slag, roof tile, pottery and numerous coins also suggest the landscape around Lenham was widely exploited in the Roman period.

The heritage of later periods should also not be forgotten. There are several post-medieval farmsteads, many of which may well have medieval origins. Chilston Park, a Registered Park and Garden, is an important 17th century formal garden replaced by a 18th century landscape park. The Lenham Cross commemorates the dead of the First World War, the Second World War is represented by an auxiliary hide and several aircraft crash sites and the Cold War by a Royal Observer Corps underground monitoring post.

Finally, it should be noted that all these assets, and indeed Lenham village itself, sit in a historic landscape. The landscape contains many surviving historic features, such as the patterns of tracks, lanes and hedgerows that give character to the parish. 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)² 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. However, it remains an essential tool for understanding Lenham'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

¹ http://archaeologydataservice.ac.uk/archives/view/kent_eus_2006/downloads.cfm?area=Lenham

² https://www.kent.gov.uk/_data/assets/pdf_file/0014/56210/Kent-Historic-Landscape-Character-volume-1.pdf

through secondary sources. This would make a good volunteer project for the Parish Council and KCC would welcome engagement to discuss this opportunity further.

Para 2.1.4 also states “*There is a presumption against development outside such boundaries (meaning the boundaries of the village).*” It should be noted that there has always been change in rural areas. KCC has worked with English Heritage (now Historic England) and the Kent Downs AONB to prepare guidance on how historic farmsteads in Kent can be assessed for their suitability for new development or change of use³. 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.

4. Design Quality

4.1 High Quality Design and Local Distinctiveness

Quality Design: Policy D1

The County Council is supportive of this policy and would like to refer the Parish Council to the comments provided on the historic landscape (paragraph 2.1.4). It is important that the points raised are considered in order for the Neighbourhood Plan to succeed in its goals as set out within this policy.

4.3 Innovation and Variety

Innovation and Variety: Policy D3

The County Council is supportive of this policy. Good design is a crucial element in creating spaces that are safe, secure, of high amenity and encourage active travel. This will result in encouragement of the public to walk, cycle and spend time outside, which will deliver positive health and wellbeing outcomes.

5. Promoting Active, Smarter and Sustainable Travel

The County Council recommends reference to the Rights of Way Improvement Plan⁴ (ROWIP). The ROWIP provides further policy and evidence base, supporting the ambitions and delivery of the Neighbourhood Plan.

The promotion of active, smarter and sustainable travel is welcomed. It is encouraging to see that reference is made to the Rights of Way Design Guide, further emphasising the importance of well-designed and thought out access provision.

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

⁴ https://www.kent.gov.uk/_data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf

5.1 Walking and Cycling / 5.3 Community Infrastructure Levy Funded Projects

Active Travel: Policy AT1 / Active and Sustainable Travel Projects: Policy AT4

The County Council is supportive of Policies AT1 and AT4. The County Council encourages the importance of involving the County Council Rights of Way and Access Service in the housing and infrastructure delivery of elements of the Neighbourhood Plan.

6. Enhancing and Protecting Green Space

The County Council, from a Public Rights of Way (PRoW) perspective, is supportive of policies that seek to integrate access provision with green space. The quality of the environment through which access routes pass through should be considered as important as the construction of the route.

6.1 Natural and Amenity Green Space

Natural and Amenity Green Space: Policy GS1

The Neighbourhood Plan appropriately considers the importance of new developments making access provision that ensures proposed developments link with services, facilities and public transport.

The County Council welcomes the consideration of the need to improve the surrounding existing PRoW network and the importance of new provision integrating with the existing PRoW network.

As Lead Local Flood Authority, the County Council welcomes recognition within the Neighbourhood Plan of the importance of sustainable drainage systems.

6.9 Local Green Space Policy

Countryside Protection: Policy CP1

The County Council would refer back to comments under paragraph 2.1.4, relating to historic farmsteads, which are also applicable to this policy.

8. Community Facilities

Additional Commentary

The County Council would like to see waste included within this section. Whilst the County Council is not requesting a site for a new Household Waste and Recycling Facility (HWRC) to be included within the Neighbourhood Plan, it does request that the need for expansion of the Maidstone HWRC in the short term and its relocation in the long term be recognised. Parishes such as Lenham will find accessing these facilities more difficult in the future, as demand from new development across the Borough increases. Lenham is already less well served than some villages, being a 15 to 20 minute drive from current sites, and will

experience future capacity issues unless identified projects are supported. Similarly, additional capacity at Material Recycling Facilities will be required. The County Council therefore proposes the following paragraphs are included within the Neighbourhood Plan:

8.5 Waste

8.5.1 The construction of 1000 dwellings on the Strategic Housing Delivery Sites (SHDS), together with the construction of the existing housing commitments in Lenham (364 dwellings), will create a requirement for additional capacity at Household Waste Recycling Centre (HWRC) facilities and Material Recycling Facilities (MRF) to serve the Parish.

Waste: Policy W1

The Neighbourhood Plan supports additional investment in HWRC capacity by the expansion of the existing Maidstone HWRC in the short term and relocation to allow the further required increase in capacity over the life of the Local Plan. It also supports securing appropriate development contributions towards the strategic project to secure processing capacity at an MRF for kerbside collected recycling.

10. Air Quality and Renewables

10.3 Renewable Energy Generation

The County Council is supportive of a policy that encourages renewable technology in new developments, and would also highlight the need for high standards of energy and water efficiency to reduce energy demand. Biomass boilers can contribute to air pollution, so their installation should not be encouraged in urban areas with poor air quality.

Renewables: Policy AQ3

The text states that applications for renewable energy schemes will be required to demonstrate that they do not have a significant adverse effect on a range of environmental issues, among them heritage issues. The County Council is supportive of this but would note that the heritage of Lenham can actually play a more constructive role in energy conservation. The historic environment has a significant role to play in the conservation of resources required for development and also in energy efficiency. Old buildings can often be more energy efficient than newer ones and benefit from already being constructed. Thus, it may take fewer overall resources to adapt an old building than to demolish it and build a completely new one. Historic England has produced guidance ('Climate Change and the Historic Environment', 2008⁵) that reviews the threats to the historic environment posed by climate change. The guidance also 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.

⁵ <https://www.rbkc.gov.uk/pdf/73%20Climate%20Change%20and%20the%20Historic%20Environment%202008.pdf>

11. Strategic Housing Delivery Sites

Paragraph 11.1.14

The wording here highlights how there is uncertainty over the deliverability of the road junction onto the A20. Confirmation is required on whether the relevant landowner has agreed to the use of land for provision of the junction. If their agreement has not been obtained, the Plan should identify an alternative strategy to ensure the developments can be provided with the road infrastructure needed to support them.

Policy SHDS1: Strategic Housing Delivery Sites: General Requirements

The need for sustainable drainage systems is acknowledged within the proposed policy, which should address the need for attenuation and flow restriction. The County Council recommends that this policy also explicitly addresses the form or quality of sustainable drainage systems which are proposed and should take into account the NPPF guidance, which clearly states the requirements for these features to be multi-functional.

Criterion 2 (i)

The policy should refer to one 'all purpose' access junction and an emergency access onto Old Ashford Road, as already required by KCC Highways and Transportation in relation to planning application 19/504724. The scale of development does not warrant two 'all purpose' access junctions.

Plan 1 on page 48 should also be updated to reflect this.

Criterion 2 (ii)

The required footway/cycleway should extend along Old Ashford Road/Ashford Road to connect the site with existing employment at Ashmill Business Park/Northdown Close. Provision of this nature is identified in the Transport Assessment supporting the Neighbourhood Plan and has been required by KCC Highways and Transportation in relation to planning application 19/504724.

Policy SHDS2: Housing Delivery Sites: Design Principles

The County Council recommends that for all proposed development sites, any attenuation is provided at surface and that the multi-functional benefits of these areas are promoted. The County Council also recommends that any local watercourses are incorporated into the layouts of proposed residential developments.

Criterion 6 (and Policy SHDS4 criterion 21)

It should be clarified that Policy SHDS2 will be required to deliver the development's access road that will form part of the new road link between Old Ham Lane and Headcorn Road, as existing planning consents preclude such provision from being achieved via Policy SHDS4.

Policy SHDS2/criterion 4, Policy SHDS3/criterion 11, Policy SHDS4/criterion 19, Policy SHDS5/criterion 3 and Policy SHDS6/criterion 9

These policies should require that a Transport Assessment is submitted in support of any planning application to demonstrate how the existing and proposed highway networks will accommodate the cumulative impacts of the allocated sites. This is particularly important in ensuring that off-site mitigation, such as on the A20 corridor towards M20 J8, can be secured if found to be necessary.

Land West of Old Ham Lane and North of the Railway – Policy – Strategic Housing Delivery Site 5

To ensure consistency with the other land allocation policies, the County Council recommends that this policy could include another criterion that requires:

‘A demonstration of how the proposals are consistent with the provision of a satisfactory development access road link between Old Ham Lane and Ashford Road’.

Criterion 6

It should be noted that the linkages to Site 6 will be limited to pedestrian/cycle due to the Site 6 layout approved via permission 18/506657.

12. Implementing the Plan: Community Infrastructure Levy, Developer Contributions and Planning Conditions

There is a general expectation that improvements to access will be delivered within sites through good design; with masterplans clearly indicating the alignment of access routes, layout, green space and links to existing provision. It is important that these new links are public highway (whether adopted public highway or public rights of way). These will be important links for the whole community. Management of amenity areas should be the responsibility of management companies and plans should encourage and require this.

In respect of the improvement of the wider PRow network, potentially including the upgrade to existing routes, it would be helpful if this could be identified by Maidstone Borough Council as Charging Authority, as an infrastructure project that will be resourced through Community Infrastructure Levy (CIL). The County Council recognises that some developments will seek developer funding through section 106 contributions or unilateral undertakings to mitigate an impact that arises as a direct result of a development. This will not however provide for the improvement of the wider network for the benefit of all.

12.2 Strategic Infrastructure Projects

Table LNP 1

The *‘junction of southern development access road with Headcorn Road’* should be for Site 2 to provide via planning conditions/S278 agreement.

The references to contributions from Site 7 do not take account of permission 18/506657, which secures no such contributions.

It should be noted that the supporting 'Strategic Infrastructure Delivery Report' (dated August 2017) is inconsistent with the Regulation 16 Neighbourhood Plan. Of particular note is the reference to KCC Highways and Transportation delivering highway works in paragraph 6.2.4, which the Neighbourhood Plan helpfully confirms are actually to be delivered by Site 3.

Additional Comments

The County Council recommends that the Parish Council includes a section on the Natural Environment and Ecology. Within this section, the Parish Council should set out that all developments in the Parish must adhere to the following:

- Requirement for Ecological Impact Assessments.
- Retainment and enhancement of connectivity throughout the site and to the surrounding area.
- Requirement for Assessment/implementation of biodiversity net gain (as per the Environment Bill proposal).
- The mitigation hierarchy.
- Requirement for development to ensure that they are managing open space to benefit biodiversity.

Strategic Environmental Assessment (SEA)

Sustainable Urban Drainage Systems

The SEA gives very slight coverage of impacts in relation to flood risk and a number of sites have no identification of flood risk which may be related to surface water. It is also noted that the baseline assessment of water resources makes no reference to the surface water maps of flood risk.

Lenham does experience issues in relation to local flood risk, with incidents for carriageway flooding, local ditch problems and flooding in relation to the rural nature and agriculture fields. There are a number of surface water flood routes which are shown crossing the parish area. These do cause specific issues and need to be accommodated within any master-planned development.

The County Council has entered into discussions with applicants for proposed development in Lenham and these matters have been emphasised where required. It should be highlighted that space to accommodate surface water may be significant and it is important that an estimate of spatial requirements should be undertaken early in the planning process.

It should be noted that the masterplans for sites 1 - 4 may not have sufficient space required for surface water management illustrated within the indicative masterplan. This may reduce

the number of residential units which can be delivered within a proposed site given restrictions on developable area.

Heritage Conservation

The County Council notes that this SEA considers development around Lenham and highlights seven preferred sites for development. The following information provides a baseline assessment of key archaeological and archaeological landscape issues for those seven key sites, as well as general commentary.

A comment on the SEA is that broadly, the consideration of “Landscape and Historic Environment” does not consider the rich and diverse archaeological resource within and around Lenham village. This resource is reflected in the numerous archaeological and PAS sites and in the visible archaeological landscape of ancient field systems, utilisation of the water channels and routes of the footpaths and lanes.

However, the table of SEA Objectives does contain a welcome aim to protect, maintain and enhance the cultural heritage, including archaeological assets. Unfortunately, the corresponding “assessment questions” are limited and focus on the built historic environment. These assessment questions should preferably include how development will impact on the archaeological resource. An added query should also be how the awareness, understanding and enjoyment of the archaeological heritage of Lenham can be developed appropriately.

KCC notes and welcomes SEA paragraph 4.37, with the Lenham Neighbourhood Plan Group identifying criteria 2: Historic Environment, but would encourage consideration of the protection and preservation of historic assets, including buried archaeological remains, within and around the fabric of the village. Lenham, being a Medieval market town, has a close and long relationship with the countryside around it, but there are signs that Lenham has had an integral and complex relationship with the landscape of springs and channels since the Roman Period or before. Identifying and encouraging preservation of the archaeological resource in and around Lenham village will ensure that awareness, understanding and enjoyment of Lenham’s rich archaeological heritage is not lost in new development schemes but is preserved for future generations intact, in situ.

The County Council notes that paragraph 5.18 suggests that whilst none of the development allocations proposed are known to contain any designated heritage assets, they do contain known non-designated heritage assets, some of which may be of equivalent significance to designated assets. As such, NPPF paragraph 194 (footnote 63) should be taken into account.

Within Section 5, covering the landscape and historic environment, the County Council notes that this does not seem to address any key points for the archaeological resource of Lenham. KCC would encourage that there should be some guiding statements on the need to consider the archaeological resource with identification, retention, preservation and interpretation as key aims – thereby contributing to the sustainability and soundness of the Neighbourhood Plan.

PAG 1: Land North of the A20 Ashford Road East of Marley Works and West of the AONB: The PAG does not contain any known archaeological sites identified on the HER or PAS data. However, this may reflect the lack of formal investigation on the site rather than lack of archaeology, given the nature and extent of known archaeological sites in the surrounding area.

PAG 2: North West of Lenham Village Extension (PAG 2): including Site 5 – Land West of Old Ham Lane and North of the Railway; Site 6 – William Pitt Field; Site 7 – Land West of Loder Close. This site does contain known PAS findspots and does have potential for significant archaeological remains. The limited nature of known remains may reflect the lack of formal investigation on the site rather than a lack of significant archaeology.

PAG 3: Land south of the Railway and West of Ham Lane: KCC welcomes the acknowledgement of the historic, designated buildings within this site but would raise the issue of high potential for buried remains, possibly associated with an early medieval settlement around Lenham Court.

PAG 4: South West of Lenham Village Extension (PAG 4): Site 2 - Land West of Headcorn Road and North of Leadingcross Green; Site 3 – Land East of Old Ham Lane and South of Railway; Site 4 – Land West of Headcorn Road and South of the Old Goods Yard: KCC welcomes the acknowledgement of historic designated buildings but would additionally highlight the potential for buried archaeological remains.

PAG 5: Land south of the railway, East of Headcorn Road and North of Oxley Wood: This PAG does contain a recorded PAS find of Roman pottery, which may indicate a more widespread Roman archaeological site.

PAG 6: Land North of the Railway, East of Lenham Village and South of the A20 Ashford Road: The historic environment assessment needs to take in to account the numerous known archaeological sites and PAS finds within this site. The HER shows several sites, some of which are based on the findings of the Local Heritage group, and there are strong indications of significant remains surviving in this site. Recently, a Roman building and associated remains have been located north of the Old Ashford Road and similar remains may extend southwards. The site also contains remains associated with Bone Mill, a post medieval or earlier mill complex which may have been a focus for activity prior to the medieval period as well. This site borders one of the channels feeding into the Stour and as such may have been quite a focus for activity from the Prehistoric Period onwards. There are also several archaeological landscape features which need to be thoroughly assessed and preferably integrated in to any draft master-planning options.

PAG 7, North East of Lenham Village Extension: Site 1 – Land South of Old Ashford Road: this site does contain several PAS findspots and there are known archaeological sites and landscape features recorded around and within it. It is likely to contain some of the Roman remains continuing east from the site north of Old Ashford Road.

Waste Management

The County Council is pleased to see the promotion of sustainable waste management solutions in the SEA Document, Section 5.28. This primarily relates to the statutory duties of Maidstone Borough Council as the Waste Collection Authority. KCC is the Waste Disposal Authority with a statutory responsibility under the Environmental Protection Act 1990 for the handling and final disposal/treatment of all waste collected from residential properties within the administrative boundary of Kent.

The County Council notes that there are minimal references to waste, in particular the pressure additional housing will place upon waste infrastructure for the handling and disposal/treatment of waste. Delivery of the approximately 1,000 homes within the Lenham Parish will place significant demand upon KCC Household Waste Recycling Centre (HWRC) facilities in the area. It will also increase demand for recycling facilities that deal with kerbside collected waste, known as Material Recycling Facilities (MRF), for which there is a national shortage.

The County Council would like to see the need for appropriate development contributions towards new waste infrastructure in the wider area being made by new housing developments within the Lenham Parish. KCC acknowledges that there are currently no waste management facilities within the Lenham Parish. These types of facilities are strategic in nature, serving a wide area, typically at district level. Both the Maidstone HWRC at Tovil and the Ashford HWRC at Brunswick Road, which serve the residents of Lenham Parish, are at operational capacity and hence any increase in waste tonnages in the future as a result of development would require mitigation.

For the awareness of the Parish Council, it should be noted that KCC has recently submitted two projects for inclusion in Maidstone Borough Council's Infrastructure Delivery Plan, both of which are required to increase waste capacity at the Maidstone HWRC as a direct consequence of planned residential development in parishes such as Lenham. The County Council also has a larger strategic project to secure processing capacity at MRF for all recycling collected at the kerbside by the WCA.

LNP – 6 – Masterplan

Heritage Conservation

Sites 1 and 5 may contain significant archaeological remains, which may be a constraint on development, but if considered at an early stage, may provide positive contribution to the quality, sustainability and character of the development.

LNP-9 - Archaeological Desk Based Assessment (DBA)

This policy covers the buried archaeological potential of proposed housing Site 1 (Area A) and Sites 2 – 7 (Area B). It does not provide an assessment of the archaeological resource in and around Lenham and its focus is simply on the proposed housing developments. In view of this approach, the DBA is of limited value as a contributing report for the

Neighbourhood Plan as a whole, although it is useful as a baseline assessment to inform consideration of the Sites 1 – 7.

The DBA provides baseline description of most of the known archaeological data, including PAS findspots within the Sites 1 – 7, but it does not analyse the data, assess the nature of the findings, nor assess the landscape context. For example, the DBA should preferably recognise that the topography is quite complex and related to the series of springs and collects which feed in to the River Len to the west but also to the south feeding in to the Great Stour. The springs and collects form a river valley system with considerable influence on the landscape and the use of this area over thousands of years. Analysis of the nature and distribution of currently known PAS findspots and archaeological sites suggest Lenham may be the focus of distinctive and possibly unusual Later Prehistoric, Roman and Early Medieval activity.

More in-depth assessment of the baseline data would be useful to provide a better understanding of the nature and potential significance of the archaeological resource around Lenham. The DBA Executive Summary and the later conclusions and recommendations are not suitable and reflects a rather over-simplification of the potential for evidence of activity from Prehistoric Period onwards, some of which may be of national importance. The archaeological resource and landscape, based on current information, is complex and may include sites of national importance. This archaeological resource is a special part of Lenham's heritage but may also be a constraint on development. As such, the DBA Assessment of Significance tables within 4.114 do not reflect reasonable assessment of potential. The County Council does not agree, at this stage, with the DBA conclusions, the recommendations that for the Sites 1 – 7 archaeological issues can be covered by conditions, nor with the with the Assessment of Significance tables at 4.114.

More in depth assessment is needed to appropriately understand the archaeological heritage of Lenham and to inform the extent of development around Lenham. More in depth assessment may need to include targeted fieldwork.

KCC would welcome continued engagement as the Lenham Neighbourhood Plan progresses.

If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely



Barbara Cooper
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11 May 2020

BY EMAIL ONLY

Dear Sir/Madam,

Re: Planning for growth on the Hoo Peninsula consultation

Thank you for providing Kent County Council (KCC) with the opportunity to comment on the “Planning for growth on the Hoo Peninsula” consultation.

The County Council has reviewed the consultation document and would like to raise the following comments for consideration.

Transport Strategy

The impact of a development of this scale on the wider road network will need to be carefully considered and impacts on the strategic road network, especially at M2 Junction 1 and on Kent’s local road network, will need to be fully assessed. As work progresses, it is requested that Medway Council works closely with Highways England and KCC on mitigating any potential adverse impacts.

It will also be imperative to work closely with Highways England in assessing the cumulative impact on the road network of any future growth on the Hoo Peninsula in conjunction with the Lower Thames Crossing, and the proposed improvements to the A228 and A289.

It is encouraging to see a focus on promoting sustainable travel (such as walking, cycling and the use of public transport) as an integral part of the growth of the Hoo Peninsula. Any masterplan work should seek to ensure that walking and cycling routes are well connected with the wider Public Rights of Way (PRoW) network, including other proposed upgrades and improvements. The County Council also recommends that facilities for electric charging points should also be fully integrated into the design.

The County Council recognises the challenges that will be faced in unlocking the Housing Infrastructure Fund (HIF) and utilising the funding to deliver the necessary infrastructure within the required timescales. The County Council would be interested to understand whether Medway Council has considered an alternative means of delivery, should the HIF funding not be able to be used as a mechanism for delivery.

Public Rights of Way (PRoW)

KCC is committed to working in partnership with Medway Council to achieve the aims set out in the KCC Rights of Way Improvement Plan¹ and the Medway Rights of Way Improvement Plan. The partnership aims to provide a high-quality PRoW network, which will support the Kent and Medway economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent and Medway a great place to live, work and visit.

The PRoW network provides significant opportunities for outdoor recreation and active travel across the region. Both the County Council's Countryside and Coastal Access Improvement Plan² and Medway Council's Rights of Way Improvement Plan highlight the lack of existing off-road equestrian access provision, and the proposed growth on the Peninsula provides an opportunity to address this issue. New routes with higher user rights could be created, and the potential for establishing new equestrian provision and cycle routes as safe alternatives to existing on-road routes could be explored.

Opportunities and Constraints

There is an opportunity to improve, connect and enhance the PRoW network of the Peninsula, which is described within the consultation document as fragmented, for walking, cycling and equestrian users. The access over the A228 Peninsula Way would need particularly careful consideration for all users to ensure connectivity between the villages of Chattenden, High Halstow and Hoo St. Werburgh. An assessment of the road crossings should be made to determine the type of infrastructure that is required to ensure safe and secure road crossing facilities for all Non Motorised Users (NMUs). The incorporation of sustainable access opportunities for the local population, ensuring they are not dependant on private vehicle use, would enable the ease of movement and reduction of short car journeys, encouraging a modal shift to pedestrian, cycling and alternative transport away from the car.

The aims for improved mobility and quality of pedestrian experience are supported and could include equestrian users and cycle routes, as off road connections are segregated from main roads by means of green buffers. Accessibility for users with limited mobility will also be important.

¹ https://www.kent.gov.uk/data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf

² https://www.kent.gov.uk/data/assets/pdf_file/0009/90567/Countryside_Access_Improvement_Plan_20072017.pdf

The impact on quiet rural lanes would need to be considered for construction and operational phases of development. There would be a risk that if these road links are used as haulage routes or vehicular traffic substantially increases along the lanes, it could deter public use of the PRow network.

The four principles

The landscape-led development principle (principle 1), which looks to integrate access provision with greenspace and encourage natural amenity, is supported. The quality of the environment through which access routes pass is as important as the construction of the route. Connectivity across the scheme for all users should be seamless and KCC would support the use of and enhancement of the PRow network to achieve this.

In respect of principle 2, KCC would strongly support the shift to walking and cycling movements away from car journeys. High quality design will be critical in creating spaces that are safe, secure, and encourage the public to walk, cycle, ride and connect with the outdoor environment. Cycle facilities should be a key element, for residential and commercial areas.

In respect of principles 3 and 4, the County Council is supportive of the emphasis on walking and cycling to connect green infrastructure and local amenities and would highlight the need for accessibility for all levels of user and for all levels of mobility to be included. A scheme of this scale will need to address the integration of existing and new neighbourhoods and PRow can be an integral part of this.

Neighbourhood Characters

Masterplan work, incorporating any necessary improvements to infrastructure that can develop safe walking and cycling routes, both within a new development and connecting it to the wider environment, will be vital – and the Medway ROWIP, KCC ROWIP and the Kent 'Good Design Guide'³ will be helpful tools to help shape the proposed neighbourhoods. Designing places to enable increased levels of active travel participation will also improve public health and well-being and air quality, by reducing short vehicle journeys and vehicle congestion.

Hoo Framework Plan

The England Coast Path (ECP), due for opening in 2020, passes through the Hoo Peninsula (see attached Map). This is a new National Trail being created by Natural England. The long-distance walking route will eventually circumnavigate the entire English coastline. As part of this work, a coastal margin has been identified, which includes all land seaward of the trail. Much of the coastal margin is open access land under the Countryside and Rights of Way Act 2000 (CROW Act). Opportunities should be taken to enhance the trail where possible (such as creating new access rights for cyclists and equestrians, establishing new links with the ECP to create

³ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/regeneration-policies/kent-design-guide>

circular routes, improving the surface of the trail and replacing infrastructure to enhance accessibility).

The scale of growth proposed at the Hoo Peninsula would create a significant impact on PRow networks and would add to the pressure and importance of the PRow network surrounding the Peninsula, as residents seek opportunities for outdoor recreation and leisure in the countryside. It is therefore critical that consideration is given to these links, to ensure they are not degraded. With the likely increase in usage, opportunities should be taken to make significant improvements to the existing PRow, as they will increasingly serve as sustainable transport links and provide opportunities for recreation and employment.

Considering the scale of this project and the wide range of NMUs who will be affected, it may be beneficial to establish an overarching access strategy. This would ensure there is a joined up approach for delivering an action plan that would benefit all path users.

Minerals and Waste

It is recognised that within Medway, there is reliance on the National Planning Policy Framework (2019) (NPPF) and the National Planning Policy for Waste (2014) (NPPW), in lieu of specific policies within the adopted Local Plan.

The County Council notes that this consultation document does not address minerals and waste safeguarding matters. The County Council recommends that in planning for growth on the Hoo Peninsula, there should be consideration of waste safeguarding matters, given the absence of explicit safeguarding of waste infrastructure in the NPPF and NPPW.

The Council does not anticipate growth in the Hoo Peninsula to affect any minerals infrastructure; however, it may affect important economic materials (sand, gravel and brickearth superficial deposits). Therefore, minerals and waste safeguarding should be acknowledged. This could be in the form of an assessment to review if any sterilisation will occur, and an assessment as to whether it is acceptable. This could be linked to the emerging Medway Local Plan.

Heritage Conservation

The County Council would like to see further consideration of heritage in respect of potential growth plans on the Hoo Peninsula. The area has a wide-ranging and fascinating past that can be used to shape the planned growth and contribute significantly to an attractive life in the future and the wellbeing of residents and visitors alike.

Although the consultation document is high level, it is clear that the proposed growth will impact significantly on very important heritage assets. The County Council notes

that only some of these assets are designated and KCC has sought to review the range of assets more fully below. Many of the non-designated assets, however, are of high quality as those that are protected and need to be given careful attention during the master-planning process.

For such a sensitive area, and for such an extensive proposal, the County Council recommends that a formal, detailed baseline assessment is prepared by a heritage specialist. This will need to include greater detail than the baseline heritage assessment prepared as part of Medway's Heritage Strategy. The assessment should review all relevant heritage information, including Historic Environment Record data and historic mapping, but particularly the results of the Historic England Hoo Peninsula area survey⁴, as well as other relevant research projects such as the Medway Valley Palaeolithic Project⁵. It should identify the ways that the proposal will impact on heritage assets. The assessment can also suggest ways that the heritage can contribute to the proposal more positively, for example, by helping new build integrate effectively with existing developments and serving as high quality green infrastructure and routeways.

The County Council is aware that Medway Council is currently preparing a National Lottery Heritage Fund (NLHF) application 'Whose Hoo?'. There is a significant opportunity for the lottery project to support the goals of the New Vision for Hoo St Werburgh by helping the local communities integrate the changes proposed in the Vision into their existing structures in ways that conserve what is so special about the Hoo Peninsula. The County Council recommends that irrespective of whether the NLHF application is successful or not, the initiatives and projects identified could be supported by Medway Council.

It should also be noted that the County Council has sought to provide a high level heritage and archaeological assessment of each of the Neighbourhood Character Areas as set out within the consultation document (Appendix 2).

A New Vision for Hoo St Werburgh

Built heritage

The built heritage of Hoo St Werburgh and the Hoo Peninsula more widely has a number of key themes that policies could develop and support.

The fortifications of Grain constitute one of the most powerful and varied sets of defence sites in the country. These could play a much greater role in Medway's tourism industry, which could be particularly important given the range of challenges faced by that part of Medway. There are additional defence sites along the Medway that could be incorporated into river-based tourism, even if some, such as Fort Hoo and Fort Darnet could not be visited. These include the Medway Council owned Upnor Castle, an existing tourist site whose potential may not yet be fully realised. Within the Hoo Peninsula the remnants of the Second World War GHQ Stop Line

⁴ <https://historicengland.org.uk/research/current/discover-and-understand/rural-heritage/hoo-peninsula/>

⁵ http://archaeologydataservice.ac.uk/archives/view/medway_eh_2009/

forms one of the most complete military landscapes of the Second World War in Kent and in conjunction with the nearby military remains at Chattenden, could again play an important economic and social role in this growth area. Further to the west, Cliffe Fort and Slough Fort also have further tourism development potential.

The exploitation of the Thames Estuary for industrial purposes has also left a wealth of historic remains that can be seen today in the form of wharves, jetties, hard landings and structures. These were constructed to serve a range of industries but the most important of these may have been the gunpowder and explosive industries that flourished in the area, particularly at the Curtis and Harvey Explosives Works at Cliffe. Many of these remains will be clearly visible to people using the coastal path and provide an excellent opportunity for interpretation. Across Medway there are numerous industrial structures that may not be listed buildings, but which nonetheless form key components in the area's character and which would be suitable for sympathetic re-use rather than wholesale replacement.

Townscape and landscape

Settlements have a historic character that go beyond just Conservation Areas and Listed Buildings. The urban environment as a whole contributes to historic character. Elements in this environment, such as streets and street patterns, structures, furniture, surfaces, boundaries, open and green space (such as squares and urban parks) help to give settlements a sense of place even when they may not warrant protection as Conservation Areas.

For rural settlements, as is the case for the villages of the Hoo Peninsula, careful thought needs to be given to how the built townscape form articulates with the surrounding landscape. There is a clear and appreciable historic link between the agricultural/horticultural land of the Hoo Peninsula and the rural settlements and farms that it supported.

The opportunities and constraints section notes the aim that key view points are “to be protected and easily accessible”. In identifying such viewpoints, account should be taken of views to and from heritage assets and how development might affect the setting of key heritage assets.

Sustainable urban Drainage Schemes

Sustainable urban Drainage Schemes (SuDS) may have both direct and indirect impacts on the historic environment. Direct impacts could include damage to known heritage assets – for example if a historic drainage ditch is widened and deepened as part of SuDS works. Alternatively, they may directly impact on unknown assets such as when SuDS works damage buried archaeological remains. Indirect impacts are when the ground conditions are changed by SuDS works, thereby impacting on heritage assets. For example, using an area for water storage, or improving an area's drainage can change the moisture level in the local environment. Archaeological remains in particular are highly vulnerable to changing moisture levels which can accelerate the decay of organic remains and alter the chemical constituency of the

soils. Historic buildings are often more vulnerable than modern buildings to flood damage to their foundations.

When SuDS are planned, it is important that the potential impact on the historic environment is fully considered and any unavoidable damage is mitigated. This is best secured by early consideration of the local historic environment following consultation with the Kent Historic Environment Record (HER) and by taking relevant expert advice. KCC has recently produced advice for SuDS and the historic environment. It provides information about the potential impact of SuDS on the historic environment, the range of mitigation measures available and how developers should proceed if their schemes are believed likely to impact on heritage assets.

Design Frameworks and Development Frameworks

There are a number of key studies and resources that should underpin any consideration and use of Medway's historic environment:

- Kent Historic Environment Record - a database of archaeological sites, historic buildings and landscape features in Kent and Medway⁶
- The outputs of the Hoo Peninsula Historic Landscape Project – a major project carried out by Historic England from 2009 – 2012 that examined all aspects of the peninsula's heritage⁷
- Kent Farmsteads Guidance (2012) for developers and planners considering development in the countryside⁸
- Kent Historic Landscape Characterisation (2001)⁹

Principle 1: A landscape-led development

The brochure refers to the “natural landscapes” of the Hoo Peninsula, but these are not just natural landscapes, they are also “historic landscapes”. The landscape of the Hoo Peninsula is a product of man's adaption and management of the peninsula and its estuaries through fishing and the farming of crops and livestock over thousands of years. The low-lying areas of the peninsula have been shaped by the reclamation of the estuary, from at least the time of the Norman conquest, to provide improved salt-marsh grazing for livestock. Similarly, the pattern of fields, lanes and trackways have developed over centuries, and continue to evolve in response to changing agricultural practices. In many places on the peninsula, the arrangement of modern fields can be directly related to the pattern of medieval farming, demonstrating a high level of landscape continuity. Below the ground there will be archaeological evidence that shows how people have settled on and farmed the peninsula since Neolithic times.

⁶ <http://www.kent.gov.uk>

⁷ <https://historicengland.org.uk/research/current/discover-and-understand/rural-heritage/hoo-peninsula/>

⁸ <http://www.highweald.org/downloads/publications/land-management-guidance/historic-farmsteads.html>

⁹ http://archaeologydataservice.ac.uk/archives/view/kent_hlc_2014/

The benefits of green infrastructure

If properly designed, the County Council considers that green infrastructure has the potential to help new development be better integrated into the existing rural and urban landscape by ensuring that it fits into the grain of what is already there. The pattern of roads, tracks and lanes on the Hoo Peninsula has been used for centuries to link Medway's towns, villages, hamlets and countryside. By taking advantage of these existing and historic routeways, people will be able to move through the area while retaining the historic geography of the region, but also following routes more likely to be accompanied by historic hedgerows and planting. This has the potential to unite heritage and ecology to help people access and enjoy features more easily and naturally.

Using historic routeways also allows designers to incorporate heritage assets to provide features of interest. In turn this will help people accessing the green infrastructure to become more aware of and value Hoo's heritage which will in turn assist their conservation and re-use. For example, the Hoo area has links to internationally important fortifications at Grain. Green infrastructure can also be used to support tourism in Medway by linking historic sites and landscapes such as the Chatham Lines, Rochester Castle and Cathedral and the historic explosives works of the Hoo peninsula.

To fully appreciate the Peninsula's landscape character and incorporate it into green infrastructure effectively, it is first important to understand it. The main method for investigating historic landscape character is by historic landscape characterisation. This is a method of assessing the pattern of tracks, lanes, field boundaries and other features that comprise the historic character of the modern landscape. This has been completed for the Hoo Peninsula and KCC recommends that Medway Council draws on the research to identify connectivity between the heritage assets of the area.¹⁰

Green infrastructure also makes an important contribution to health. Historic England has released research that demonstrates how heritage actively supports health and well-being through contributing to a generally more attractive environment, allowing activities that encourage participation and inclusion and by encouraging outdoors activities.

Medway's blue infrastructure network

Hoo's blue infrastructure network also has a strong heritage component. The coastline of Medway has been exploited by humans for millennia. Traces of this activity remain visible and accessible. This heritage includes defence sites such as the remnants of the Second World War GHQ line (Hoo St Werburgh), coastal industries such as the many prehistoric, Roman and medieval salt-mounds in the marshes, sea-walls and drainage ditches across the north Kent marshes and coastguard stations, jetties and wharves, all survivals of Medway's maritime history. All this rich heritage can be used to support the blue infrastructure network and

¹⁰ <https://historicengland.org.uk/research/current/discover-and-understand/rural-heritage/hoo-peninsula/>

attract new audiences. Similarly, any works associated with the creation of the blue infrastructure must ensure the conservation or enhancement of any heritage assets affected.

Principle 2: Access and movement

When identifying key walking and cycling routes across the area, consideration should be given to how the heritage assets of the peninsula might be better connected so that they can best appreciated, understood and enjoyed. Creating linked trails based around key heritage themes (e.g. defence, industry, agriculture) might be one way to maximise the positive benefits that the area's heritage can bring.

Principle 4: An attractive and tailored built form

The principle of carefully considered design that is tailored to the place and is informed existing character is welcomed and accords with the objectives of the NPPF. The County Council recommends that the illustrative photographs should show housing which accord with the principle.

New buildings do not have to be exact replicas of historic styles; they do not have to be limited to local materials, but they should respond to the local area – the existing shapes, proportions, layouts, density, palette and grain of a place should be used to inform new design.

Biodiversity

The County Council notes that the Hoo Peninsula is surrounded by the Medway Estuary and Marshes, the Thames Estuary and Marshes Site of Special Scientific Interest (SSSI), Ramsar sites and Special Protection Areas (SPA); which have primarily been designated for their wintering bird interest. The main impact on the designated sites is likely to be the impact from recreational pressure and there is a need to ensure a strategic mitigation approach¹¹.

Given the recreational impacts associated with the designated sites, the County Council recommends that consideration is given to these sites and their issues when considering growth on the Hoo Peninsula.

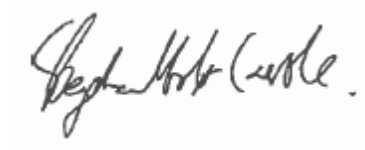
The County Council is aware of the progress being made with a Cumulative Ecological Impact Assessment as part of the wider work associated with this proposal. It is anticipated that the impact on biodiversity and designated sites will be fully considered as plans for growth in this area are progressed.

KCC would welcome continued engagement as plans progress for potential growth opportunities on the Hoo Peninsula.

¹¹ <https://birdwise.org.uk/>.

If you require any further information, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, reading "Stephanie Holt-Castle". The signature is written in a cursive style with a period at the end.

Stephanie Holt-Castle

Interim Director – Environment, Planning and Enforcement

Enc.

[Appendix 1](#): English Coastal Path Map







[Appendix 2](#): Kent County Council Heritage Conservation commentary on Neighbourhood Character Areas

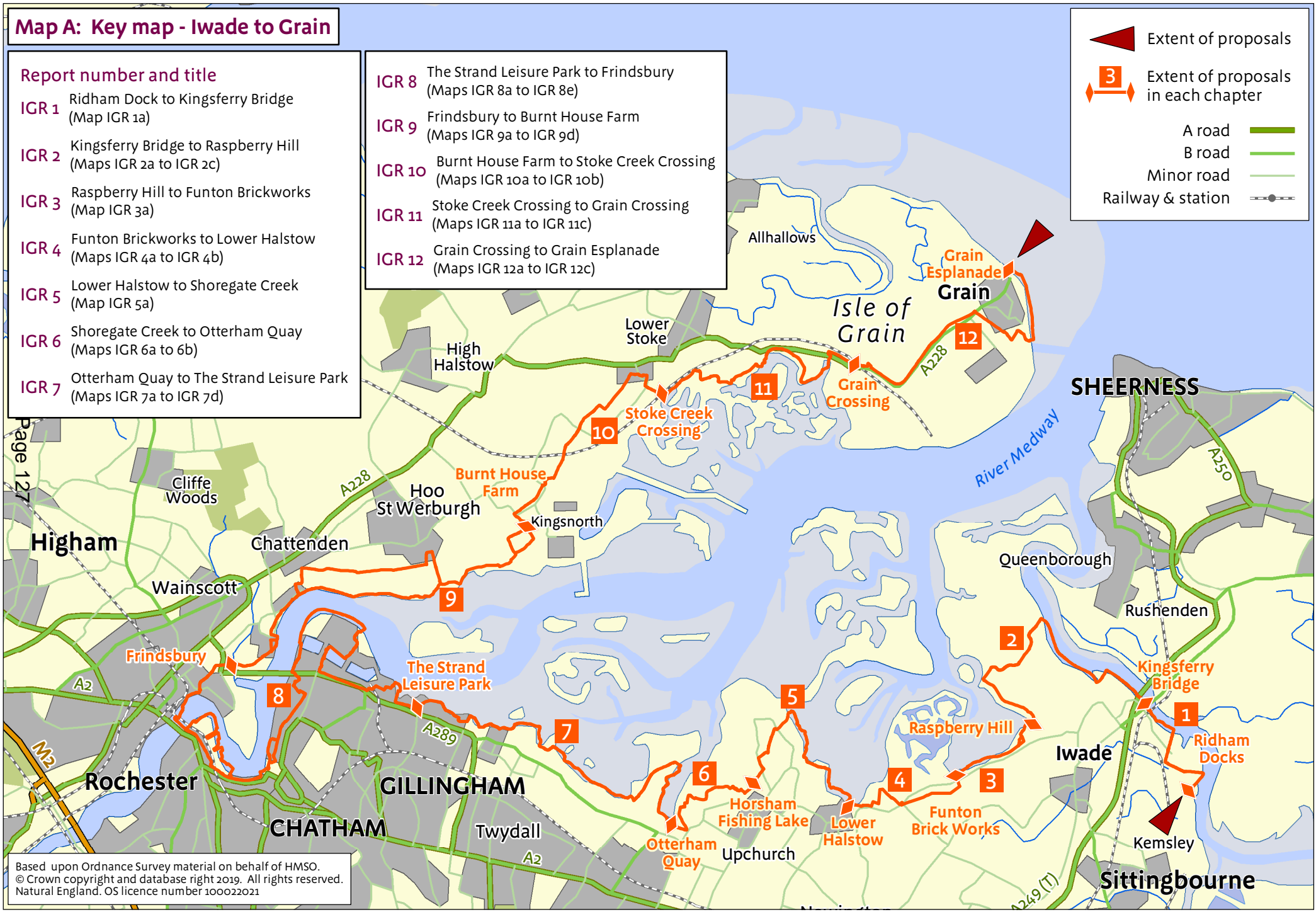
Map A: Key map - Iwade to Grain

Report number and title

- IGR 1** Ridham Dock to Kingsferry Bridge (Map IGR 1a)
- IGR 2** Kingsferry Bridge to Raspberry Hill (Maps IGR 2a to IGR 2c)
- IGR 3** Raspberry Hill to Funton Brickworks (Map IGR 3a)
- IGR 4** Funton Brickworks to Lower Halstow (Maps IGR 4a to IGR 4b)
- IGR 5** Lower Halstow to Shoregate Creek (Map IGR 5a)
- IGR 6** Shoregate Creek to Otterham Quay (Maps IGR 6a to 6b)
- IGR 7** Otterham Quay to The Strand Leisure Park (Maps IGR 7a to IGR 7d)

- IGR 8** The Strand Leisure Park to Frindsbury (Maps IGR 8a to IGR 8e)
- IGR 9** Frindsbury to Burnt House Farm (Maps IGR 9a to IGR 9d)
- IGR 10** Burnt House Farm to Stoke Creek Crossing (Maps IGR 10a to IGR 10b)
- IGR 11** Stoke Creek Crossing to Grain Crossing (Maps IGR 11a to IGR 11c)
- IGR 12** Grain Crossing to Grain Esplanade (Maps IGR 12a to IGR 12c)

 Extent of proposals
 Extent of proposals in each chapter
 A road
 B road
 Minor road
 Railway & station



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Appendix 2: Kent County Council Heritage Conservation commentary on Neighbourhood Character Areas

Village living in Chattenden

Although the Chattenden village centre is some distance from the main Chattenden military site, there are nonetheless several heritage assets that could be affected by the proposal. On the Kitchener Road roundabout, part of one of the former 1961 guardhouses survives alongside the main access road into the barracks. At Copse Farm, three concrete Second World War (probably) barrack huts also survive. At the junction of Kitchener Road and Chattenden Lane the former Garrison Church still survives, albeit as a civilian church. All three of these sites are located in the area identified as the 'indicative neighbourhood centre'. In the event of major development in this area, it will be important to ensure that those structures which are retained keep some of their context in terms of setting and interpretation so the military origins of the area remain in the local memory.

In the angle of the land between Broad Street and the Ratcliffe Highway, aerial photographs have suggested former field systems of unknown date. Also running through this area from the main Chattenden village site was a small-gauge railway from Chattenden to Hoo.

In the area south and west of the proposed village centre, there are numerous remains of the area's military past. These include a former nineteenth and twentieth century Naval military railway that connected munitions and military depots around Hoo, a 1950s wireless transmitter station at Beacon Hill, the remains of a Second World War Naval Signal Station, the scheduled Second World War blockhouse and beacon, a Cold War air-raid shelter, a Second World War pillbox and a First World War anti-aircraft battery. There are also areas of First or Second World War practice trenches on Beacon Hill. This complex of sites would suit being brought together in a trail or other form of interpretation both to help maintain the green space between settlement areas and to retain memory of the military origins of the Chattenden area.

Finally, recent archaeological investigations at Chattenden in response to housing development have revealed important, but previously unknown, archaeological sites including evidence for Mesolithic activity and Anglo-Saxon settlement. These discoveries highlight the potential for further important, but unknown, archaeological sites to exist within the proposed growth area. Any future masterplan for the area would need to have sufficient flexibility to take account of important archaeological discoveries. This will likely require a comprehensive programme of desk-based, non-intrusive and intrusive assessment and evaluation prior to any detailed masterplanning.

Parkland living in Deangate

Deangate is located in a highly significant military landscape dating originally to the late nineteenth century use of the area as a major magazine establishment. Although much of the site has been demolished, numerous magazines and protecting earthworks, as well as later defences, still survive. During the Second World War, the entire site was defended by an arm of the General Headquarters Stop Line that ran from Hoo St Werburgh to Higham Marshes. A 2014 survey by Historic England has mapped the route of the Stop Line and its

accompanying pillboxes, earthworks and defences, which essentially follow the route of Dux Court Road as far as Wyborne's Wood before turning west. Four of the pillboxes in this area of the GHQ Line have been designated as listed buildings and several features relating to the Lodge Hill Magazine. Between Hoo St Werburgh and the magazine also formerly stood the Deangate Second World War radar station, which included gun emplacements and ancillary structures.

Rural Town Living in Hoo St Werburgh

Past archaeological investigations in the area have discovered extensive prehistoric and Romano-British remains in the vicinity of Hoo. The alignment of a Roman road linking the Hoo Peninsula to Roman Watling Street is projected to run to the south of the former Chattenden Barracks close to the development area. To the north-west of the area, within the Lodge Hill enclosure, a Romano-British cemetery has previously been identified and a further occupation site has been found south of Hoo between the village and the shoreline. The village itself contains built heritage assets such as the church and it is important to protect the long views towards them. There are also Saxon and Medieval remains although the site of the seventh century nunnery has yet to be identified. The landscape also contains numerous survivals of the Second World War associated with the GHQ Stop Line that runs from the foreshore south-east of Hoo to the north of Lodge Hill where it turns west.

Riverside Living in Cockham Farm

The Cockham Farm area has an extensive heritage. Both north and south of Stoke Road, cropmark complexes and field boundaries have been observed in aerial photographs although the dates of the complexes are unknown.

Along the route of the Saxon Shore Way, a number of well-dated archaeological discoveries have been made. Palaeolithic artefacts have been recovered from a brickearth pit to the south-west of St Werburgh's Church in Hoo in the 1930s. A late bronze age occupation site was discovered during a watching brief in 1999. An iron age coin and torc were found close to Hoo village. A Romano-British cemetery and occupation site was found in 1894 near Cockham Cottages. The lost 7th century nunnery may exist either within the village or perhaps within the Cockham Farm area and other middle Saxon features are known from the area south of the village.

Along the coast can be seen numerous examples of more recent heritage assets. Although Roman remains have been found at Hoo Marina Park, most of the remains relate to the maritime use of the coastline. The most significant site is the scheduled seventeenth century Cockham Wood Fort built by Sir Bernard de Gomme as a response to the Dutch Raid. Despite its scheduled status the fort is included in the national Heritage at Risk register where it is described as at risk of immediate further rapid deterioration or loss of fabric if no solution for its conservation and management is agreed. There are also numerous wharves, jetties and quays, as well as several examples of wrecked barges dating from the eighteenth to twentieth centuries.

In addition to the maritime activity, there are several important twentieth century military assets along the coast. The GHQ Stop Line meets the coast at this point and the junction was defended by at least eight pillboxes and anti-landing sites.

Contemporary living by the New Rail Station

Prehistoric cropmarks enclosures and features have been seen in aerial photography between Sharnal Street and Tunbridge Hill and also around Tile Barn Farm. A number of prehistoric to Saxon discoveries were made during Isle of Grain gas pipeline works most notably, a Late Bronze Age settlement or probable possible funerary site and a possible Late Bronze Age small scale industrial site. A Romano-British industrial site with a probable pottery kiln was also found.

The Second World War GHQ Line runs south-east to north-west through the western end of the area and as described above (see Deangate), contains many surviving heritage assets of importance. The indicative illustration appears to show extensive new development, including the location of a proposed neighbourhood centre between Ropers Lane and Bells Lane. The area is crossed by part of the General Headquarters (GHQ) stop-line between Hoo St Werburgh and Higham Marshes; a notable surviving example of anti-invasion defence. It is an important remnant of the Second World War defended landscape of the peninsula and is a well-preserved example of this type of defence, which is part of a major chapter in the national story. A group of pillboxes are located along the edge of the existing development along Bells Lane, two of which are listed (Grade II). The stop-line comprised an anti-tank ditch, pillboxes (both anti-tank and infantry), barbed wire entanglements, road-blocks and other features. The surviving remains form a coherent pattern of defence linked to the local topography. Extensive development here would result in the loss of part of the stop-line and would be harmful to the setting of the listed pillboxes.

Village Living in High Halstow

The area is centred on High Halstow village, which retains its medieval core and includes a medieval church and tithe barn and several medieval buildings. Within the village, however, older remains have been discovered including Bronze Age and prehistoric features. Outside the village several enclosures and cropmarks have been seen in aerial photographs. Metal detectorists working around the village have discovered numerous examples of artefacts, particularly from the iron age to the medieval period.

Immediately to the east of the area is the Fenn Street Second World War air defence post with associated radar station. The area also forms the northern extremity of the GHQ line in Kent/Medway and there are several surviving pillboxes and other features.

The area is also crossed by several industrial and military tramways such as the Port Victoria Railway, the Chattenden Naval Tramway and the Kingsnorth Light Railway.

The indicative illustration shows development between the existing village and Sharnal Street on a ridge of higher ground that forms part of the 'spine' of the Hoo Peninsula, with views towards the Thames to the north and the Medway to the south. The site may have been a favourable location for past occupation, having access to a range of natural

resources. A number of Late Iron Age gold coins have been found to the north of High Halstow, whilst remains of Bronze Age date have previously been recorded south of the village. Within the illustrated development area itself various crop marks and soil marks have been observed indicating the presence of buried archaeological remains and landscapes. These crop and soil marks include a ring ditch (possibly representing the ploughed out remains of a prehistoric burial mound), along with enclosures and other features. The area also has some potential to contain remains of Pleistocene/Palaeolithic interest.

A Thriving Employment Hub in Kingsnorth

Although archaeological investigation at Kingsnorth has been piecemeal, there have been a large number of discoveries in the area.

Lower Palaeolithic organic material has been found well preserved at Kingsnorth Power Station where a possible Mesolithic core was also found.

A possible Neolithic pottery sherd and a leaf-shaped arrowhead were found at Kingsnorth in 1998/1999.

A hoard of Bronze Age implements was found at Roper's Farm in 1973 and a number of features interpreted as representing later prehistoric land-divisions were excavated in 2001. A probable late bronze age cremation deposit was found at Damhead Creek Power Station in 1998/9. Several linear ditches, pits and postholes in the Kingsnorth area over several years, together with features suggesting both ritual use and more general occupation also suggests that the Kingsnorth area was being widely used in the Bronze Age.

Many of the bronze age sites in the Kingsnorth area extended into the early iron age. In addition, a possible late iron age round-house was found within an enclosure with pits, and may represent a stock enclosure with associated field boundaries. The quantity of pottery found suggests that the occupation or activity in the area was short-lived and many have ended or been greatly reduced by c.50 BC.

The coast at Kingsnorth has produced numerous Roman archaeological discoveries. The Medway estuary was, in Roman times, an important regional centre for salt and pottery production and there are more than 60 records in the Kent Historic Environment Record relating to Roman pottery vessels and salt kiln materials in the Kingsnorth area. There have also been discoveries of trackways, postholes and pits and an early Christian inhumation cemetery.

The area seems to have been used less intensively in the early medieval and medieval periods, though some agricultural use persisted. During the post-medieval period much of the landscape was farmed although the increasing use of the area for industrial purposes is shown by the number of barge hulks that can be seen along the coastline.

During the twentieth century the industrial and military use of the areas greatly intensified. The attempt to develop the Isle of Grain as a ferry terminal led to the construction of the Port Victoria railway from the late nineteenth century though it continued well into the twentieth century. In c. 1912 the Naval Airship Station was constructed as an experimental station and

later a training school. By 1920 it had been largely abandoned though the site was re-used as an oil refinery from the 1930s. Significant archaeological features relating to the Naval use may still survive at the site and some buildings belonging to the airship station survive within the present industrial estate.

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Ask for: Francesca Potter
Email: Francesca.potter@kent.gov.uk

BY EMAIL ONLY

1 May 2020

Dear Simon,

Re: Ashford Borough Council – Fibre to the Premises (FTTP) Supplementary Planning Document (SPD)

Thank you for consulting Kent County Council (KCC) on the Fibre to the Premises Supplementary Planning Document (SPD).

The County Council supports the ongoing commitment from Ashford Borough Council to ensure that new dwellings and employment units are delivered with fibre-to-the-premise (FTTP) broadband.

The work that Ashford Borough Council has undertaken has been invaluable in demonstrating to Government the regulatory gaps that have enabled new homes to be completed without adequate broadband (i.e. connectivity that does not meet either current or future needs).

The County Council notes the reference made in the SPD to the recent Government announcement on its intention to legislate to ensure that all new build homes are installed with gigabit broadband from the outset¹. The Government's response to the "New Build developments: Delivering gigabit-capable connections" consultation (March 2020) outlines the final policy proposal, which includes the intention to amend Building Regulations 2010 to mandate FTTP-ready infrastructure in new-build premises². The Government has secured commitments from network operators to work with housing developers to provide gigabit-capable connectivity to all new build developments across the UK, including both developers and operators contributing to the costs of connection.

The County Council supports the emphasis placed within the SPD on the need for good

¹ <https://www.gov.uk/government/news/new-build-homes-to-come-gigabit-speed-ready>

² <https://www.gov.uk/government/consultations/new-build-developments-delivering-gigabit-capable-connections>

communication and engagement with FTTP providers, which is particularly important in the early stages of the planning process. KCC agrees with the proposed approach for broadband exclusivity clauses or agreements to be discouraged, as this restricts choice for new homeowners and tenants.

In respect of the SPD section on Government Support, paragraph 26 sets out the financial support available from Government. The County Council would like to clarify that the financial support provided by the Government is not targeted towards new homes.

The County Council recommends that there is a need to consider how the Government's new cost thresholds for gigabit capable connection for new builds will accord with the thresholds set out under Policy EMP6, which are based on scheme size and geographical location. There will also be a need to ensure that the FTTP statement process is aligned with the connectivity plan process, as proposed by the Government. This includes where reasons are stated for exemption and specification requirements for alternatives where FTTP is deemed not viable.

In respect of heritage conservation considerations, the installation of fibre connectivity has the potential to impact significantly on the historic environment in the following ways for both new and existing properties:

- The installation of the necessary cable trenches can impact on archaeological remains. This is well understood; and utility companies usually consult KCC's Heritage Conservation team on the possible impacts of their proposals, amending them when necessary or providing for recording of archaeological remains where the proposals cannot be amended;
- The insertion of cables into buildings can impact their historic fabric. This can affect both Listed and non-Listed buildings; and
- The infrastructure for providing fibre connectivity can impact on the setting of heritage assets, whether Listed Buildings, archaeological monuments or Conservation Areas.

To minimise such impacts, it is essential that applicants take account of any heritage assets when developing their proposals. This assessment should be carried out before the development proposals are finalised and planning applications submitted. The results of the assessment should be included in the Heritage Statement required under paragraph 189 of the National Planning Policy Framework (NPPF) and referred to in the FTTP Statement.

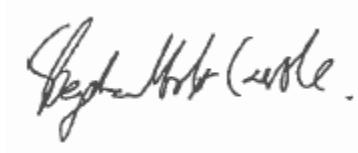
It should also be noted that, in some cases, fieldwork could be required to assess the impact of the proposals. KCC recommends that where heritage assets are identified as being likely to be impacted by the proposals, KCC Heritage Conservation is consulted to advise on appropriate ways to minimise those impacts.

Where the proposals involve Listed or historic buildings, KCC would also advise that the applicant should consult Historic England's online guidance³.

³ <https://historicengland.org.uk/advice/your-home/making-changes-your-property/types-of-work/installing-services/>
<https://historicengland.org.uk/advice/caring-for-heritage/places-of-worship/making-changes-to-your-place-of-worship/principles-for-making-changes/installing-equipment-cabling-and-pipework/>

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

Yours sincerely,

A handwritten signature in black ink, reading "Stephanie Holt-Castle". The signature is written in a cursive style with a period at the end.

Stephanie Holt-Castle

Interim Director – Environment, Planning and Enforcement

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