

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16th March, 2022

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

PLANNING APPLICATIONS COMMITTEE

Wednesday, 16th March, 2022, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

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

Membership (13)

- Conservative (10): Mr R A Marsh (Chairman), Mr A Booth (Vice-Chairman),
Mr C Beart, Mrs R Binks, Mr P Cole, Mr D Crow-Brown,
Mr M Dendor, Mr H Rayner, Mr O Richardson and Mr C Simkins
- Labour (1): Ms J Meade
- Liberal Democrat (1): Mr I S Chittenden
- Green and Independent (1): Mr P M Harman

Webcasting Notice

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By entering the meeting room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately

UNRESTRICTED ITEMS

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

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 9 February 2022 (Pages 1 - 4)

4. Site Meetings and Other Meetings

B. GENERAL MATTERS

1. General Matters

C. MINERALS AND WASTE APPLICATIONS

1. Application DO/21/00781 (KCC/DO/0105/2021 - The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge; Flisher Energy Ltd (Pages 5 - 32)

D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL

1. Proposal 21/60738/COUNTY (KCC/SW/0213/2021) - Construction of highway improvements to the A249 Grovehurst Road junction to replace the existing 'dumbbell' junction arrangement with a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne; KCC Major Capital Programmes (Highways) (Pages 33 - 78)

E. MATTERS DEALT WITH UNDER DELEGATED POWERS

1. County matter applications (Pages 79 - 82)
2. County Council developments
3. Screening opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017
4. Scoping opinions under Town and Country Planning (Environmental Impact Assessment) Regulations 2017

F. KCC RESPONSE TO CONSULTATIONS

1. EIA Scoping Opinion for a proposed development at Ebbsfleet Central, Ebbsfleet Valley, Kent (Ref: EDC/22/0005) (Pages 83 - 92)
2. Birchington Neighbourhood Plan (2021-2031) Consultation Draft - Regulation 16 Consultation (Pages 93 - 104)
3. Thanet Local Plan Update – Engagement (Discussion Papers and Evidence Base Documents) (Pages 105 - 120)
4. Land north and south of New Dover Road, Canterbury, extending north to Canterbury-Dover railway line, west to Nackington Road and south to A2 ('Mountfield Park' – South Canterbury) (Application Reference: CA/16/00600) (Pages 121 - 184)

G. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

EXEMPT ITEMS

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

Benjamin Watts
General Counsel
03000 416814

Tuesday, 8 March 2022

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

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KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 9 February 2022.

PRESENT: Mr R A Marsh (Chairman), Mr A Booth (Vice-Chairman), Mr C Beart, Mrs R Binks, Mr I S Chittenden, Mr P Cole, Mr D Crow-Brown, Mr M Dendor, Mr H Rayner, Mr O Richardson and Mr C Simkins

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications), Mr P Hopkins (Principal Planning Officer), Ms H Mallett (Senior Planning Officer), Mr D Joyner (Transport & Development Manager), Ms N Stevens (Invicta Law) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**9. Minutes - 12 January 2022**

(Item A3)

RESOLVED that the Minutes of the meeting held on 12 January 2022 are correctly recorded and that they be signed by the Chairman.

10. Site Meetings and Other Meetings

(Item A4)

The Committee noted that there would be a training session on *New legislative changes relating to energy in buildings* following the meeting.

11. Proposal MA/21/504154 (KCC/MA/0168/2021) - Construction of a service road route for HGV and other vehicle deliveries with concrete apron, associated lighting, fencing, and landscaping, re-siting of part of the existing barn, and the relocation of two storage containers at Newnham Court Farm, Bearsted Road, Weaving, Maidstone; KCC Strategic and Corporate Services
(Item D1)

(1) Mr Simon Cook (a local resident) addressed the Committee in opposition to the proposal. Mr Barry Stiff (KCC Major Capital Programme Team, Highways, Transportation & Waste) and Mr William Cassell (WSP Consulting) spoke in reply on behalf of the applicants.

(2) Following discussion of the proposal, the Committee agreed to the following amendments to the recommendations:-

(a) The insertion of an additional condition specifying that where open drainage gullies are proposed these should support biodiversity objectives.

(b) The implementation of the recommended noise mitigation measures as set out in the noise assessment technical note also including measures to minimise noise

when delivering to or leaving the site by switching off vehicle engines when static or parked as far as reasonably practicable.

(c) Limitation of access to HGVs via the HGV route to be between 0730 and 2000 hours on Mondays to Saturdays by the use of locked gates outside of these hours, with no HGV access on Sundays and Bank Holidays.

(d) The submission of further details of proposed lighting, including hours of lighting use, which should have regard to the location of nearby residential property and biodiversity matters, including use of red filters as appropriate and be directed onto the location where needed.

(e) An additional Informative advising the applicants that in preparing the required maintenance arrangements as part of the landscaping scheme condition, such arrangements are to provide maintenance to create a wildflower meadow. The maintenance schedule is to ensure that the extent of the meadow is appropriately recorded and demarcated and that the meadow area is cut in the autumn (ideally in October and November) in line with the maintenance of the wildflower meadow either side of Newnham Court Way.

(f) An additional Informative advising the applicants that they are strongly encouraged in implementing the landscaping scheme, to explore the potential for native trees within the hedgerow to enhance landscape and biodiversity and to mitigate for the trees lost by the development.

(3) On being put to the vote, the recommendations of the Head of Planning Applications as amended in (2) above were carried by 8 votes to 0 with 2 abstentions.

(4) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard 3 year time limit; the development being carried out in accordance with the permitted details; the submission of a scheme to deal with the risks associated with contamination including a site investigation scheme and detailed assessment of the risk to receptors; an options appraisal and remediation strategy giving full details of the remediation measures required and how they would be undertaken together with the submission of a verification plan providing details of the data that would be collected to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer term monitoring of pollution linkages maintenance and arrangements for contingency action; the Submission of a verification report demonstrating completion of the works set out in the approved remediation strategy; measures to address contamination if it is found during development and has not previously been identified at the site; measures recommended within the Phase 1 Preliminary Risk Assessment including an unexploded ordnance watching brief during any intrusive works on site and a ground investigation to include a risk assessment of possible contamination linkages and remedial measures if required; infiltration of surface water drainage; implementation of the

recommended noise mitigation measures as set out in the Noise Assessment Technical Note, including measures to minimise noise when delivering to or leaving the site by switching off vehicle engines when static or parked as far as reasonably practicable; the submission of a construction environmental management plan prior to construction commencing, including details of hours of construction operation; details of any construction compound arrangements; dust and noise mitigation during construction; the submission of maintenance arrangements as part of a landscaping scheme; a requirement for the landscaping scheme to be implemented as approved and for the hedge/flowering lawn to be established within a year of the development being implemented; the submission of further details of the proposed lighting, which should have regard to the location of nearby residential property and biodiversity matters, including use of red filters as appropriate and be directed onto the location where needed; the limitation of access to HGVs via the HGV route to between 0730 to 2000 hours on Mondays to Saturdays by use of locked gates outside of these hours, with no HGV access on Sundays or Bank Holidays; the implementation of the Ecological Addendum Technical Note ecological recommendations regarding the timing of works and ecological supervision and use of temporary badger exclusion fencing; tree protection measures for those trees to be retained; the removal of the 2 relocated containers within 3 years of the date of the decision; the proposed concrete apron only being used for access and turning space, it being kept clear for that use and not being used for loading or unloading of any goods; and where open drainage gullies are proposed these should support biodiversity objectives; and

- (b) the Applicants being advised by Informative:-
- (i) that the Environment Agency advises that only clean uncontaminated water should drain directly to the surface water system and that there should be no discharge to land impacted by contamination or land previously identified as being contaminated and no discharge to made ground and no direct discharge to groundwater;
 - (ii) that the updating of drainage information previously submitted in relation to condition 10 (regarding details of the sustainable surface water drainage scheme) of Permission MA/20/500047/RVAR must take account of the additional road area;
 - (iii) that the works should only take place as part of the main scheme (Permission MA/20/500047) by KCC and not separate to it;
 - (iv) of the need for the submission of the additional landscape planting requirements within the permitted MA/20/500047 scheme;
 - (v) that in preparing the required maintenance arrangements as part of the landscaping scheme condition, such arrangements are to

provide maintenance to create a wildflower meadow. The maintenance schedule is to ensure that the extent of the meadow is appropriately recorded and demarcated and that the meadow area is cut in the autumn (ideally in October and November) in line with the maintenance of the wildflower meadow either side of Newnham Court Way; and

- (vi) that they are strongly encouraged in implementing the landscaping scheme, to explore the potential for native trees within the hedgerow to enhance landscape and biodiversity and to mitigate for the trees lost by the development.

12. 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 Assessments) Regulations 2017; and
- (d) Scoping opinions under the Town and Country Planning (Environmental Impact Assessments) Regulations 2017 (None).

13. KCC Response to Consultations

(Item F1)

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

- (a) Brenchley and Matfield Neighbourhood Plan (2020 – 2038) – Regulation 16 Consultation;
- (b) Future Hoo Consultation 2021: Second Round; and
- (c) Outline application MBC/18/504836 for development at Binbury Park, Binbury Lane, Detling.

SECTION C
MINERALS AND WASTE DISPOSAL

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

Item C1

The installation of machinery to support the company's renewable wood pellet expansion programme comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, 1 no. 20ft sound attenuated shipping container and 2 x low carbon electrical production units as well as amendments to the permitted acoustic barrier, an additional boundary enclosure to part of the southern boundary, an increase in the quantity of wood waste to be imported for processing at the site to 25,000 tonnes per annum and an increase in the number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 March 2022

Application by Flisher Energy Limited for the installation of machinery to support the company's renewable wood pellet expansion programme comprising Scheuch Ligno Gmbh A-4941 Mehmbach (dust extraction system) and flue, Fuel Stores, Pellet Stores, Hoppers, Stela Dryer, 1 no. 20ft Sound Attenuated Shipping Container and 2 x low carbon electrical production units as well as amendments to the permitted acoustic barrier, an additional boundary enclosure to part of the southern boundary, an increase in the quantity of wood waste to be imported for processing at the site to 25,000 tonnes per annum and an increase in the number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP – DO/21/00761 (KCC/DO/0105/2021)

Recommendation: Permission be GRANTED

Local Member: Mr David Beaney

Classification: Unrestricted

Site

1. The application site is located some 3.1 km from the northern edge of the built-up area of Folkestone. It is north of the A20 and east of the A260. The site is 225m from the north-eastern edge of the residential curtilage of Hawkinge, within the District of Dover and wholly within the Kent Downs Area of Outstanding Natural Beauty (AONB), and also the Alkham East Kent Downs Landscape Character Area. The wider area is a mixed landscape of farms, west is Fernfield Farm, to the east of the site is Stombers Farm, to

Item C1

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the north is agricultural land and woodland, close by to the south, and east is Hawkinge Allotments, with residential development to the south of these.

2. The site is approximately 0.3 ha and comprises existing buildings (the former KCC waste transfer station and incinerator building and chimney) and associated surrounding yard (including weighbridge) and parking areas. Two of the three Combined Heat and Power (CHP) units are within the building whilst the third is located outside immediately adjacent to the southern elevation of the building. The site has a direct gated access from Fernfield Lane and is securely fenced around its perimeter. The road frontage has a good tree belt either side of the access which obscures views into the site from the road.
3. HGV's visiting the site use a private road (part of which is a public footpath) which gives direct access to the A260 from Fernfield Lane. The road adjacent to Fernfield Farm runs north-east for a short stretch before turning sharp left and heading south-east to join the main road just before the roundabout. The road is gated and locked when not in use.
4. A public footpath crosses from Fernfield Lane to Stombers Lane just over 100 metres to the north.
5. The application site lies within a groundwater Source Protection Zone 2 (SPZ 2) where the Environment Agency (EA) consider the risk of pollution and suggest prevention measures if appropriate.

Background and Recent Site History

6. Historically the site was a former brickwork served by associated clay pits in the surrounding area. Planning permission for an incinerator on the site of the former brickworks for household refuse disposal was granted on appeal on 16 July 1970. More recent relevant planning applications have been received as follows:
 - DO/80/1191 - Modification of refuse incinerator plant for use as a waste transfer station – Deemed permission 12 March 1982 (Reg. 4 Town & Country Planning General Regulations 1976 – This consent was solely for the benefit of the County Council). *This permission allowed for the conversion of part of the incineration plant into waste transfer for household waste whilst retaining the ability to burn waste if the need were to arise in the future.*
 - DO/92/1099 – Continued use of KCC Waste Transfer Station by direct operation of the facility transferred to a third-party contractor and proposed householders waste and recycling centre - Permission granted 25th January 1994.
 - DO/92/1099R2 – Installation of new fuel tank – granted permission 5 January 2004.

Item C1

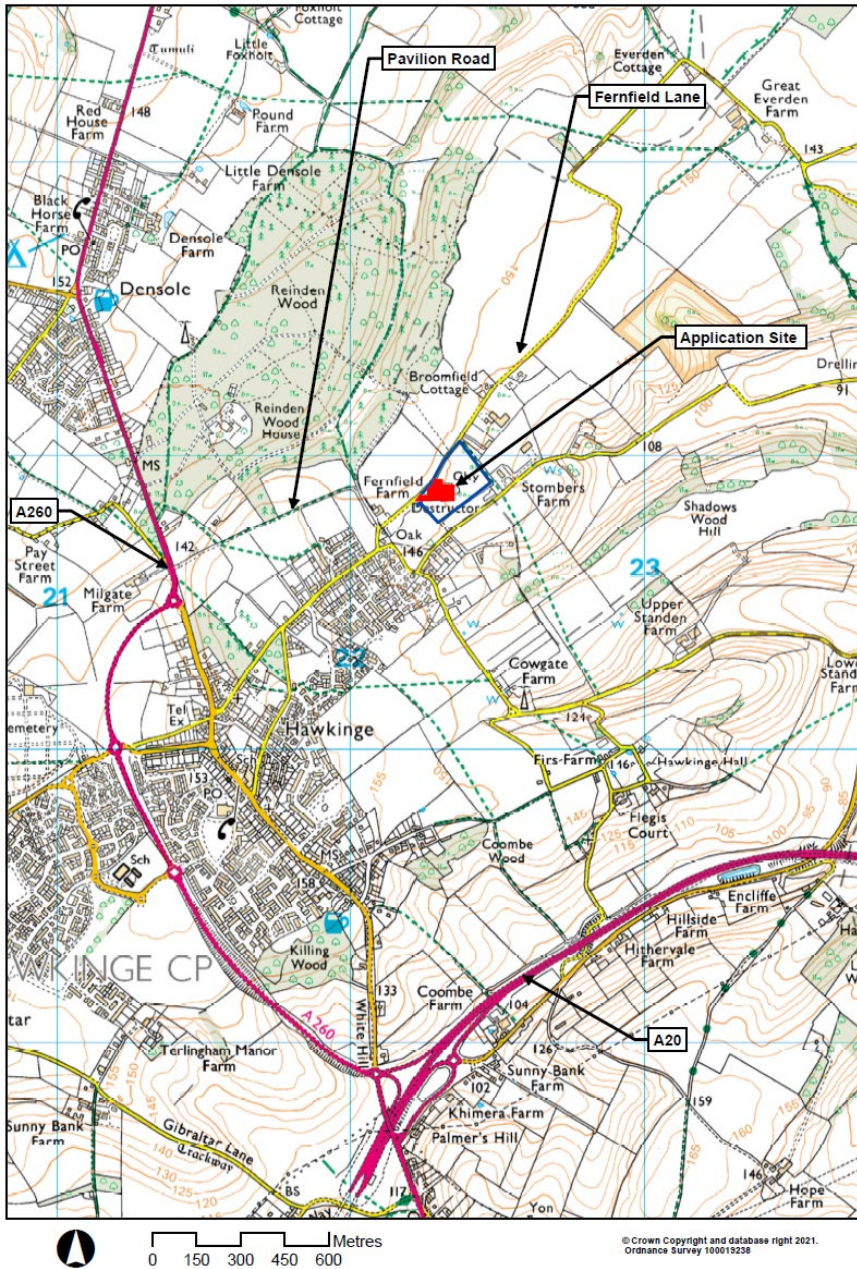
The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

- DO/92/1099R2 – Variation of the hours of operation – permission granted on 13 May 2004.
 - DO/92/1099R6 - Installation of enclosed stairwell and crane control cabin - Permission granted 4 May 2006
 - DO/94/1172 – Extension to site area to improve vehicle manoeuvring space – Temporary planning permission granted on 13 March 1995 until 31 March 2003.
 - DO/94/1172R1 - Continued use of extended manoeuvring area up until 31 October 2022 – Permission granted 13 March 2003 (waste transfer station use).
 - DO/18/00034 – Wood recycling to produce biofuel together with ancillary power production – Permission granted 27 July 2018
7. The site is in use as a wood recycling facility run by Flisher Energy Ltd. There are a number of existing buildings on site, with the largest of these being a six-storey equivalent building in the centre of the site that used to house the waste incinerator. The wood waste facility as permitted generated 7 HGVs per day which was significantly less than the previous use as a waste transfer station that generated approximately 300 HGV movements per day. The noise, dust and air quality impacts were assessed and found to be acceptable subject to mitigation measures, including a 4m high acoustic barrier along the north and eastern boundaries.
8. To the south east of the application site, beyond a separate field owned by the applicant, is an area of land owned by Folkestone and Hythe District Council which was granted permission for 40 allotments in August 2009.
9. To the south west of the application boundary and beyond a field owned by the Applicant is a parcel of land which was granted outline planning permission by Dover District Council for 19 dwellings in December 2018. A reserved matters application was submitted in February 2021 to Dover DC and is still under consideration as are a number of schemes submitted pursuant to conditions on the outline consent. An environmental management strategy, bat & reptile reports and a noise mitigation & sound insulation scheme have recently been approved.

Item C1

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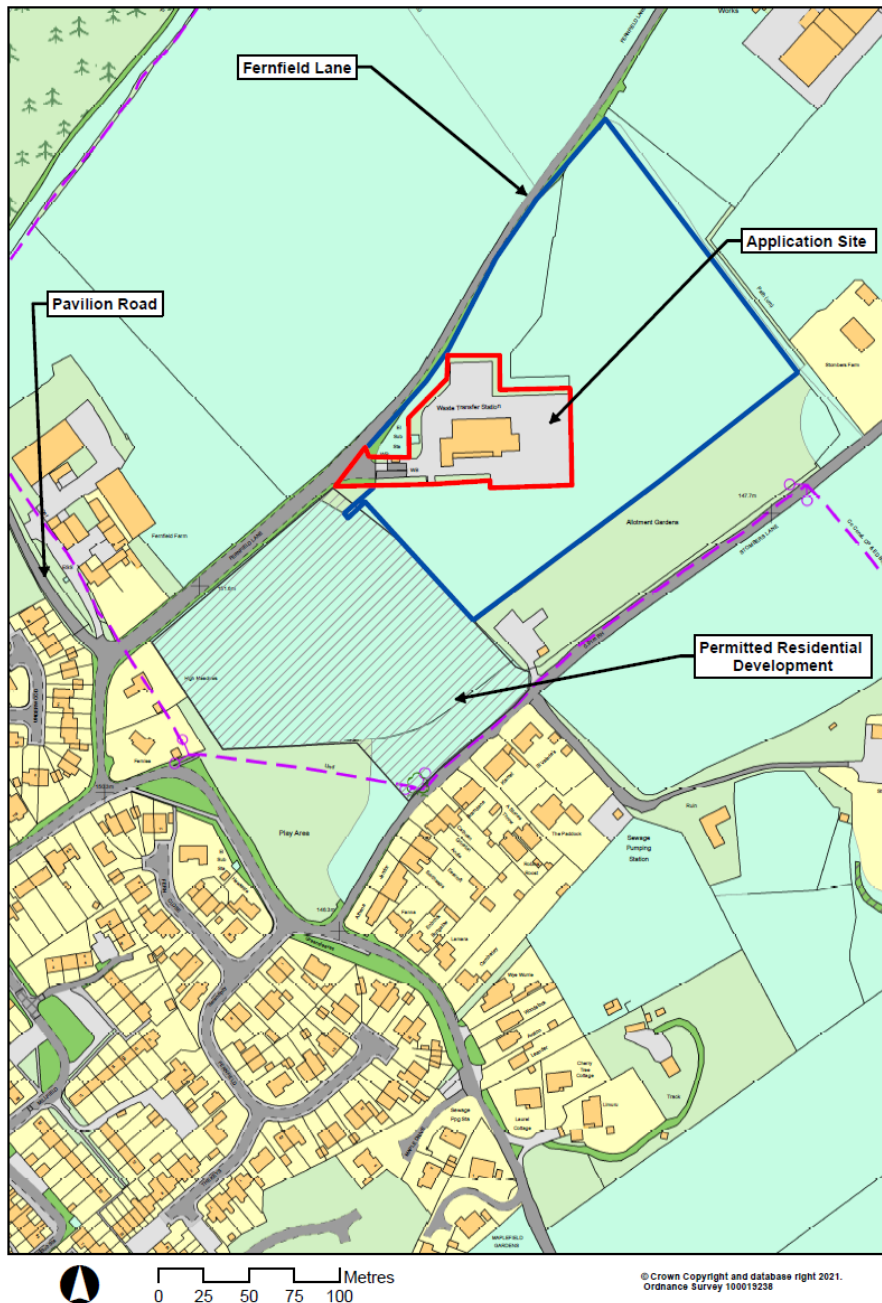
General Location Plan



Item C1

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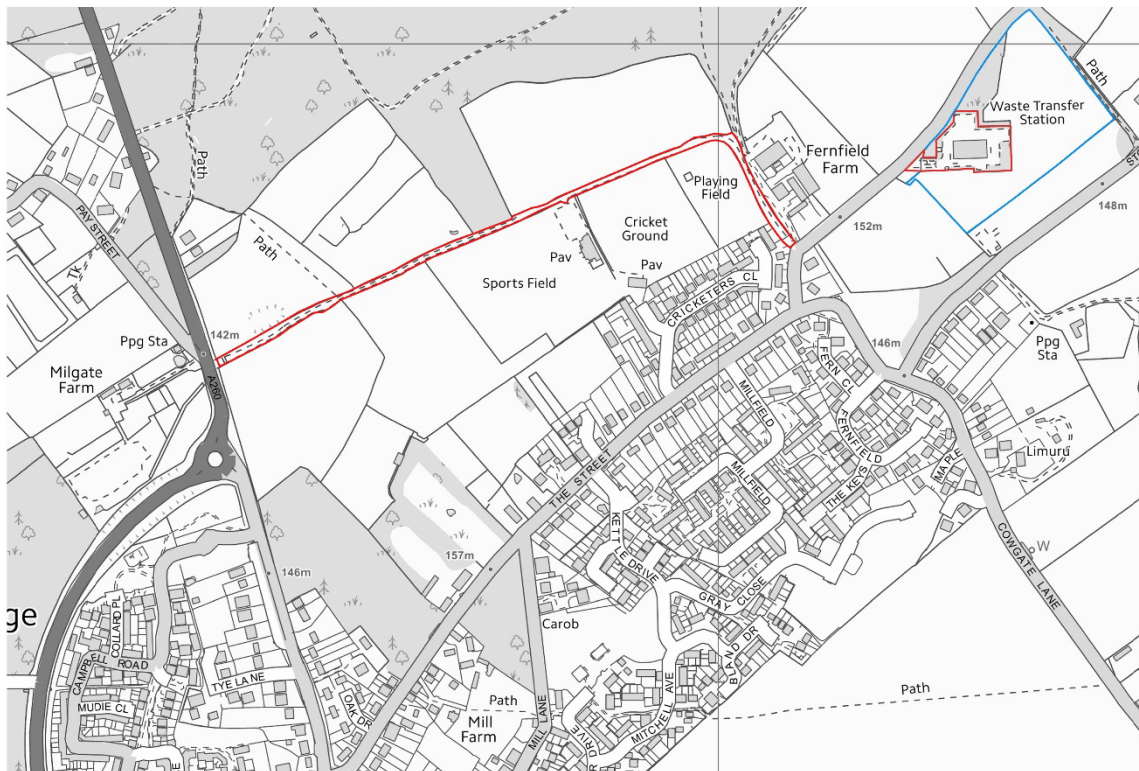
Site Location Plan



Item C1

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Application Site Plan



Item C1

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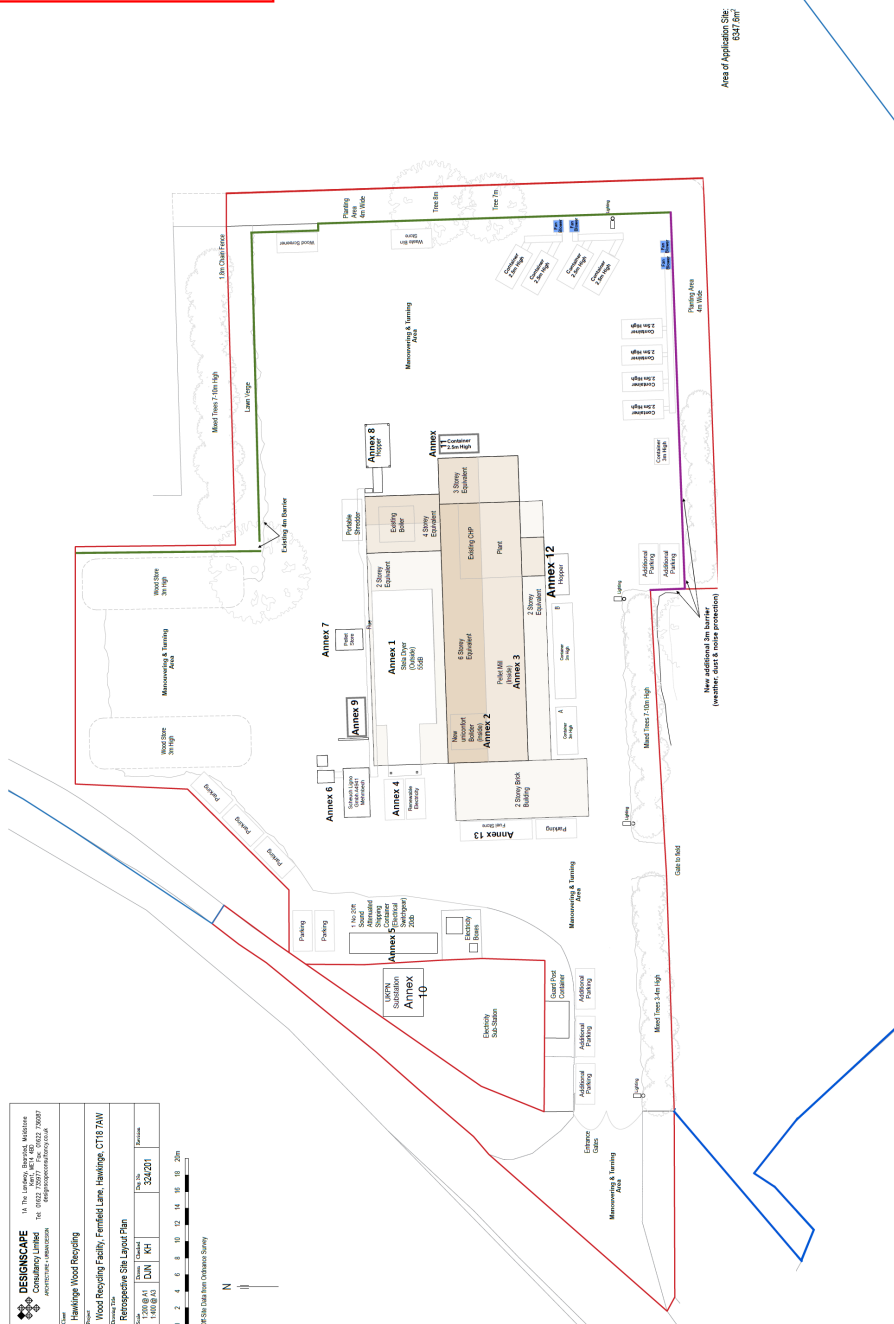
Proposal

10. It was brought to our attention that some development at the site did not comply with the planning permission granted for the site. This was raised with the Applicant and this application seeks retrospective permission for the installation of additional external machinery which supports the wood pellet production and is already in-situ. It comprises the following additional equipment, (annex references as shown on site layout plan):
- Scheuch Ligno Gmbh A-4941 Mehmbach and flue (dust extraction system) (Annex 6)
 - Fuel Stores (Annexes 9 and 11)
 - Pellet Stores (Annexes 7 and 13)
 - Hoppers (Annexes 8 and 12)
 - Stela Dryer (Annex 1)
 - 1 no. 20ft Sound Attenuated Shipping Container (electrical switchgear) (Annex 5)
 - 2 x low carbon electrical production units (Annex 4)
11. The permitted wood recycling facility allows for the import of 10,000 tonnes per annum of waste wood from forestry operations and 10,000 tonnes per annum of waste wood from construction, demolition, commercial and industrial waste. It is stated that the additional equipment was required to support the company's renewable wood pellet expansion programme, and subsequently there has been an increase in the quantity of wood waste imported for processing at the site. It is therefore also proposed to seek permission to increase the importation by 5,000 tonnes per annum to 25,000 tonnes. As a result of this increase the quantity of processed wood for export would increase by 4,000 tonnes to 20,000 tonnes per annum with a subsequent increase in the number of HGV movements from 14 to 20 HGV movements per day.
12. In addition to the retrospective development, it is proposed to amend the site boundary barrier by proposing an additional boundary enclosure to part of the southern boundary.
13. 24-hour power generation is and always has been a part of the core business to create electricity 24/7 in line with Government targets. Drainage on site is to remain as permitted.
14. The additional structures are sited around the existing building in the centre of the site, mainly to the north of the building. The machinery ranges from between 3m and 15m high, with the majority being below 12m high, and below the 19m height of the existing building.
15. Given the specialist nature of the company's business a detailed description of the business functions has subsequently been provided by the Applicant, it provides a useful summary of operations and is included as an appendix to this report.

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

Retrospective Site Layout

Received - 22 February 2022
 Planning Applications Group



Item C1

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Retrospective Elevations



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Planning Policy

16. **National Planning Policy Framework (NPPF) (July 2021)** sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The Framework does not vary the status of the development plan (included below), which remains the starting point for decision making.
17. The NPPF contains a presumption in favour of sustainable development, which includes economic, social and environmental dimensions that should be sought jointly and simultaneously through the planning system. In terms of delivering sustainable development in relation to this development proposal, Chapters 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment) are relevant. The NPPF seeks local planning authorities to approach decisions on proposed developments in a positive and creative way and states decision-makers at every level should seek to approve applications for sustainable development where possible.
18. **National Planning Policy Guidance (NPPG) (July 2019 (as updated))** supports the NPPF including guidance on planning for air quality, climate change, flood risk and coastal change, healthy and safe communities, historic environment, land stability, light pollution, minerals, natural environment, noise, open space, sports and recreational facilities, public rights of way, transport and waste.
19. **National Planning Policy for Waste (NPPW) (October 2014):** The NPPW should be read in conjunction with amongst other matters the NPPF, the national Waste Management Plan and national waste strategy for England - Our Waste, Our Resource (see below). It recognises the need to drive the management of waste up the 'Waste Hierarchy' and the positive contribution that waste management can bring to the development of sustainable communities. It recognises that planning plays a pivotal role in delivering this country's waste ambitions through amongst other matters helping to secure the recovery of waste without endangering human health and without harming the environment.
20. **Waste Management Plan for England (WMPE) 2021:** The key aim of the WMPE is to help achieve the Government's objective of moving towards a zero-waste economy as part of the transition towards a sustainable economy. It also promotes the waste hierarchy as a key component of sustainable waste management, the hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, other types of recovery and last of all disposal (landfill).
21. **Our Waste, Our Resources: A Strategy for England 2018:** This document sets out how the government wishes to preserve our stock of material resources by minimising waste, promoting resources efficiency and moving toward a circular economy. At the

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same time, it is intended to minimise the damage caused to our natural environment by reducing and managing waste safely and carefully and tackling waste crime. It seeks to eliminate avoidable plastic waste over the lifetime of the 25 Year Plan, doubling resource productivity, and eliminating avoidable waste of all kinds by 2050.

22. **A Green Future: Our 25 Year Plan to Improve the Environment:** The Government's environment plan sets out goals for improving the environment, within a generation, and leaving it in a better state than we found it. It details how the government will work with communities and businesses to do this. It sets out what will be done over the next 25 years across a number of fronts:

- clean air,
- clean and plentiful water,
- thriving plants and wildlife,
- a reduced risk of harm from environmental hazards,
- using resources from nature more sustainably and efficiently,
- enhanced beauty, heritage, and engagement with the natural environment,
- mitigation and adapting to climate change,
- minimising waste,
- managing exposure to chemicals,
- enhancing biosecurity.

23. Other relevant documents include the national Clean Air Strategy (2019) and Noise Policy Statement for England (2010) (NPSE).

Development Plan Policies:

24. **Kent Minerals and Waste Local Plan (KMWLP) 2013 – 2030 (September 2020):** As set out in the NPPF the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF requires that policies in local plans should follow the approach of the presumption in favour of sustainable development. The KMWLP is therefore founded on this principle. Policy CSW1 gives support where, when considering waste development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as set out and supported by National Policy.

25. Policy CSW2 recognises that to deliver sustainable waste management solutions for Kent any proposal should demonstrate how they will help drive waste up the waste hierarchy whenever possible.

26. Policy CSW 6 guides the location of built waste management facilities. Policy CSW7 provides a strategy for the provision of new waste management capacity for non-hazardous waste that assists Kent in continuing to be net self-sufficient. The policy will increase the provision of new waste management capacity for recovery while recognising the need to drive waste up the waste hierarchy. It seeks that recovery of by-products and

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residues is maximised and that energy recovery is also maximised (utilising both heat and power).

27. Sites that have permanent planning permission for waste management or are allocated in the Waste Sites Plan are safeguarded from being developed for non-waste management uses by Policy CSW16. Where other development is proposed at, or within 250m of, safeguarded waste management facilities Local Planning Authorities will consult the Waste Planning Authority and take account of its views before making a planning decision (in terms of both a planning application and an allocation in a local plan).
28. Policy DM1 requires that development proposals are designed to minimise greenhouse gas emissions and other emissions, minimise energy and water consumption and incorporate measures for recycling and renewable energy technology and design in new facilities where possible. It seeks to maximise the re-use or recycling of materials, utilise sustainable drainage systems, protect and enhance the character and quality of the site's setting and its biodiversity interests or mitigate and if necessary, compensate for any predicted loss. Policy DM2 of the KMWLP states that proposals for development must 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, or local importance unless it can be demonstrated that there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net planning benefit. Particularly relevant is the protection afforded to AONB's where significant weight is given to conserving the landscape and scenic beauty of these areas in which the conservation of wildlife and cultural heritage are important considerations. Policy DM3 of the KMWLP states that proposals will be required to demonstrate that they result in no unacceptable adverse impacts on Kent's important biodiversity assets.
29. Policy DM11 requires mineral and waste developments to demonstrate that they are unlikely to generate unacceptable adverse impacts from noise, dust, odour, vibration, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment. Policy DM12 establishes the need to take into account the cumulative impacts of individual elements of a proposal to ensure there are no unacceptable adverse impacts on the environment or local communities. Policy DM13 requires waste developments to demonstrate that road traffic movements are minimised as far as practicable by preference being given to non-road modes of transport. Policy DM14 seeks to provide safeguards which satisfactorily protect the interests of any Public Rights of Way affected by proposed developments.
30. **Dover District Council Core Strategy 2010** - Policies DM3 (Commercial Buildings in the rural area), DM12 (Road Hierarchy and Development), DM15 (Protection of the Countryside), DM16 (Landscape Character – including AONB), DM17 (Groundwater Source Protection) also apply.

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

Consultations

31. Dover District Council - No Objection

Folkestone & Hythe District Council - No Objection subject to the views of consultees and conditions securing additional landscaping, fixing HGV movements at the proposed levels and securing noise levels of the machinery to be operated plus implementation and maintenance of acoustic barriers.

Hawkinge Parish Council – No reply

Alkham Parish Council – No reply

Environment Agency (Kent Area) – No objection subject to a condition safeguarding against infiltration of surface water to the ground (should current arrangements of disposal to sewer ever change) unless appropriate risk assessments are first carried out. The EA is of the view that some additional permits may be required but have confirmed they are happy to work with the operator to establish where the site sits under the Medium Combustion Plant and Specified Generators Regulations and to ensure they are correctly permitted and regulated. This is a matter for the EA as the pollution control authority.

Sustainable Drainage - No objection

Amey - Air Quality – Following receipt of some additional information from the Applicant's planning consultant Amey is now satisfied that the air quality assessment adequately assesses the risk to human health from carbon monoxide (CO), fine particulate matter (PM₁₀ and PM_{2.5}) and nitrogen oxides (NOx) emissions due to the proposals. Amey comment that the applicant's air quality consultant has screened all the plant (existing and proposed) using the Environment Agency's H1 tool to determine the risk of significant emissions. The tool indicates that the emissions will be insignificant as; (i) long-term process contributions are <1% of the relevant long-term environmental standards; and (ii) short-term process contributions are <10% of the short-term environmental assessment standards, and consequently Amey conclude they do not need to be considered further.

Amey - Noise – No objection. Previous concerns about operational noise at night and the avoidance of sleep disturbance have been satisfactorily addressed by the additional mitigation measures which bring lower noise levels to the night time period and also the daytime period therefore no objection subject to conditions controlling noise emissions from the development particularly at night.

Amey - Landscaping - No objection. (Landscaping proposals for the site required by a condition on the original permission for the site have recently been approved, these took account of Amey's requirement for understorey planting, details of species, sizes, provenance etc and in light of the additional equipment that is already installed on site).

Item C1

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

Biodiversity - No Comment, the proposals would not have a significant impact on ecology.

Transportation Planning - No objection subject to conditions for the retention of turning/loading and parking area, use of Pavilion Road to access A260 and no more than 20 HGV movements per day.

Kent Downs AONB Unit - No objection subject to the proposed landscape strategy being secured to ensure additional containment of the site in views from the south and east as well biodiversity enhancement across the site.

Affinity Water Ltd - Developer Services – No reply

Public Health England - No comment

The Coal Authority - No reply

Local Member

28. The local County Member for Dover West, Mr David Beaney was notified of the application on 26 May 2021, no views have been received to date. Susan Carey, County Councillor for neighbouring Elham Valley has been made aware of the application, no views have been received to date.

Publicity

29. The application was publicised by the posting of a site notices and an advertisement in a local newspaper.

Representations

30. In response to the publicity, 19 letters objecting to the application, with a further 1 letter commenting on the application and 1 letters of support have been received.

The key objections raised can be summarised as follows:

- Fernfield Lane is narrow and has no pavements and has a sharp bend, the increase in lorries is unacceptable in a rural area and near to a school. They will be tempted to use The Street if congestion occurs, they should be made to use Pavilion Road.
- There is already too much traffic from the metal fabricators and agricultural traffic, as well as buses and delivery vehicles accessing people's homes.
- Planning permission for 19 houses is already going to increase traffic massively
- Increased noise and dust will further impact on residential neighbours in the vicinity and enjoyment of their gardens, their health and mental health

Item C1

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

- 24-hour working would be very disruptive, especially overnight traffic and will disrupt sleep patterns
- More acoustic barriers should be installed
- The site is in Area of Outstanding Natural Beauty and the original incinerator should not have been allowed in the first place which is unsuitable for industrial development
- The operator has breached their planning permission by installing the equipment, they have also operated the wood chipper away from its approved location, demonstrating their lack of regard for residential amenity and impacts they will have on the future occupants of the 19 new homes that will be built on the adjacent site.
- The noise report submitted with the application is inconsistent

Two of the objectors connected with the residential development on the adjacent site have submitted their own noise reports.

The points of support can be summarised as follows

- We must combat climate change by being environmentally friendly.
- Biomass is probably a short-term measure to this end.
- British industry should be supported.

Discussion

31. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraphs 24-30 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and any other material planning considerations. The retrospective elements of the planning application should be considered on the basis that the development has not yet been implemented. In my opinion, the key material planning considerations in this particular case can be summarised by the following headings:

- Need and sustainability
- Noise
- Dust and Air Quality
- Landscape
- Traffic

Need and sustainability

32. The former brickworks site was granted planning permission for a small household waste incinerator activity in 1970. In 1974 as a result of Local Government reorganisation the County Council took over responsibility of the site and operation of the incinerator. I understand that the incinerator was closed in 1982 and the site converted to operate as

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

a waste transfer station through a deemed planning consent (solely for the benefit of the County Council). As a result of legislative changes in 1990 the operation of the waste facility was transferred from direct operation by the County Council to a private contractor. Planning permission DO/92/1099 granted in January 1994 allowed the continued use of the waste transfer station by a third-party contractor and also established a small householder's waste and recycling centre within the existing site.

32. The site handled trade and domestic waste (including construction and demolition waste) until 2013 when the applicant took over the site, and wood recycling operations began in 2015. Considering the long history of waste activity and the presence of a waste management facility at the site, retrospective planning permission for the wood recycling facility producing a biofuel and ancillary power production was granted in July 2018.
33. The main business functions of the site are described in the planning statement as.
- *Virgin Biomass Woodfuel - Production of high quality, sustainably sourced, virgin, biomass woodfuel sold into the renewable energy markets.*
 - *Recycled Timber Woodfuel - Recovery and production of quality Grade A / B recycled woodfuel (raw material is diverted from landfill and turned into a valuable and low carbon energy source). This product is sold into the renewable energy market with a predominant focus on supporting large scale, low carbon electricity production (e.g., Kent based Sandwich Power Station – “KRE”).*
 - *Renewable Wood Pellets - Production of high quality, sustainably sourced, wood pellets for sale into the renewable energy market (both domestic & non-domestic).*
 - *Decentralised, Low Carbon Electricity Production – Flisher Energy operates its own decentralised electricity power production units on its premises, ensuring the company is “Net Zero Carbon”.*
34. Flisher Energy use the site to produce quality woodchip for use in local and nationwide biomass boilers, as well as generating renewable heat and electricity from an on-site biomass combined heat and power plant. Material is sourced locally from the forestry sector or from waste companies which handle waste wood.
35. The application states that imported wood pellets play an increasingly important role in the UK's energy mix and the UK is now the largest consumer of fuel-grade wood pellets in the World. Despite this, the UK market can be characterised by the relative absence of UK pellet production facilities. The increase of productivity on the site would contribute towards the UK becoming less reliant on other countries for its pellet production, where shortages and price changes are rapidly transferred to local markets, energy security is compromised and opportunities for employment and skill creation are lost. Based on recycling, the pellets produced provide a volume of renewable wood pellets to the UK green energy markets providing valuable support to helping the UK Net Zero 2050 target.

Item C1

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

36. The additional machinery also provides two new power production units, which utilise biodiesel to operate. This is a liquid fuel produced from renewable sources such as used vegetable oil that is cleaner burning without adding carbon emissions into the global ecosystem and further contributes to the UK Net Zero emissions 2050 target. Furthermore, it is argued that the site provides additional sustainability benefits by reducing the amount of waste wood that would otherwise enter landfill by turning it into a sustainable green energy fuel product.
37. Policy CSW1 of the Kent Minerals and Waste Local Plan follows national planning policy and guidance in supporting a presumption in favour of sustainable development and requires that waste development that accords with the development plan should be approved without delay unless material considerations indicate otherwise. Policy CSW2 requires proposals for waste management to demonstrate how they will drive waste to ascend the Waste Hierarchy whenever possible. Policy DM1 requires waste developments to be designed to minimise the impact upon the environment and Kent's communities. It states there is a need to reduce the amount of greenhouse gas emissions and other forms of emissions, minimise energy and waste consumption, reduce waste production and reuse or recycle materials. It recognises sustainable design initiatives can be achieved by a variety of means such as the incorporation of renewable energy, energy management systems, grey water recycling systems, sustainable drainage systems, energy efficient appliances and the use of recycled and recyclable materials.
38. The expansion of the facility would add value to waste products, divert material from landfill driving it up the waste hierarchy, and reduce dependency on wood pellets imported to the UK, thereby further reducing carbon emissions. The additional machinery allows for a more efficient re-use of a waste product, and a more efficient use of the site, whilst also producing sufficient energy to run the facility and supports the Government's commitment to be carbon neutral by 2050 It represents sustainable development in accordance with the policies contained in the KMWLP set out above.

Noise

39. The site has been in a waste related use for several decades. The wood recycling activities have been taking place at the site since 2013, albeit that planning permission was not in place until 2018. The additional equipment and uplift in activities brought to our attention (and now being applied for) have been operational since 2018. It is therefore appropriate to consider the potential impacts above and beyond those for which planning permission was granted and should be considered as new development. It is also noted that residential planning permission for 19 houses has also since been granted by the District Council on a nearby site. Appropriately that housing application and subsequent permission took account of the existing waste development at this site and mitigation measures were built into the design and conditions on the outline planning permission. It is appropriate to consider the additional equipment that is now being applied for at this waste site since the housing development was approved.

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

40. In general, it is important to ensure that the waste industry does not adversely impact upon the health and amenity of the surrounding environment and community. Policy DM11 of the Kent Minerals and Waste Local Plan supports development if it can be demonstrated that it is unlikely to generate unacceptable adverse impacts. Appropriate suitable mitigation measures should be used to reduce the risk of unacceptable adverse impacts occurring. Previous mitigation measures for the development already permitted included an acoustic barrier to the eastern and some of the northern boundary; and restricting the hours of operation of the wood shredder and its location to the north of the building.
41. This planning application is accompanied by a noise assessment, which takes account of the permitted residential development and also identifies a noise sensitive receptor on Fern Close (further beyond the approved residential development). It should also be noted that as part of this application a wall is proposed to the southern boundary of the site. The applicant states this is not required to make the application acceptable in noise terms but wished to secure the wall to improve dust management and to provide greater protection for the equipment from the freezing winter prevailing winds that had previously caused damage to the equipment. However, it is acknowledged that it would also offer additional noise mitigation.
42. Two independent noise reports were submitted on behalf of objectors in response to the application, (these were reviewed by our noise consultants who had no comments to make). Reference is made in one of these reports to the wood chipper being used in a different location to that permitted. This matter has been raised with the Applicant who explains...." *the location of the chipper to the south of the site was a temporary solution in light of the extraordinary circumstances early on in the coronavirus pandemic. When the pandemic began there was significant uncertainty regarding the supply of wood so in order to secure the continued operation of their business, Flisher Energy stockpiled wood which was stored to the south of the site. This wood was subsequently cleared which resulted in a temporary relocation of the chipper to the south of the site. The chipper was returned to its consented position and will remain there in the future.*" A condition restricting the position of the shredder would be repeated and would enable its operation only in the location as assessed in the noise report.
43. Following comments from the County Council's noise advisors (Amey) an updated noise assessment was submitted which proposed further additional mitigation measures. These measures proposed a timber enclosure around the bag filter with a minimum mass of 10 kg/m² and the noise barrier to the south of the site (referred to above in paragraph 41) to be increased in height from 2 metres to 3 metres. Amey's previous concerns were about the operational noise at night and the avoidance of sleep disturbance and whether consideration should be given to the hours just prior to the night time period when people may be outdoors.
44. Amey confirm that their concerns have been addressed satisfactorily by the additional mitigation which brings lower noise levels to the night-time period and also the daytime period. As such and having had sight of the other noise reports referred to in paragraph

Item C1

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

42 above, they have no objection to the revised proposals, subject to appropriate conditions being imposed to control noise emissions from the development particularly at night.

45. I understand that neither the District Council nor the Environment Agency has a record of any noise complaints since 2018.

Air Quality and Dust

46. The site is subject to a Dust Management Plan which requires that operations are carried out in accordance with this Plan to minimise dust emissions and gives details of training, monitoring and actions to be taken in the event dust is encountered. This application is also accompanied by an air quality assessment which considers the additional plant and equipment installed at the site. Following comments from our air quality advisors an updated assessment has been provided along with additional information regarding permits and flue heights. The report concludes that collective operational impacts of the site emissions to air as a whole are classed as insignificant (using the Environment Agency recommended H1 tool) and that along with the installed dust extraction controls on sealed nature of most on operations, the site will meet clean air targets. The County Council's air quality consultant is satisfied that the assessment of the equipment adequately assesses air quality and dust, and no further assessment is required.

Traffic

47. Policy DM 13 of the KMWLP seeks to minimise road miles in relation to transportation of waste across Kent. It seeks that access arrangements are safe and appropriate for the scale and nature of movement, that the highway network is able to accommodate traffic flows and that traffic impacts on the environment and local community are minimised.

48. The site currently has permission to operate with 7 HGVs per day (14 movements) all of which are required to use Pavilion Road (private road) to access the site, directly to/from the A260 thereby avoiding the need to travel through the village of Hawkinge. This was an access arrangement set up for the previous use as a waste transfer station and household waste site which generated around 300 HGV movements per day. It is proposed that this arrangement would continue as it does currently. The additional equipment for which planning permission is now sought provides for a 5,000 tonne increase in imports of waste (from 20,000 to 25,000 tonnes) and a subsequent increase of 4,000 tonnes of exported product (from 16,000 to 20,000 tonnes). It is therefore proposed to increase the number of vehicles to an additional 3 HGVs per day (6 movements) making a total of 20 HGV movements per day. These movements would continue to be restricted to using Pavilion Road to access the site and can be secured via conditions.

49. I understand some concern has been expressed that HGVs visiting the site have not been using Pavilion Road. The applicant has been asked to respond on this issue and has confirmed that all lorries associated with Flisher Energy are using Pavilion Road and that

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

they communicate the requirement to do so extremely stringently to all drivers of lorries visiting the site. Furthermore, the applicant comments that it is far easier for deliveries to use Pavilion Road and drivers prefer to use it. There is a small industrial site further along the lane whose associated traffic is not required to use Pavilion Road. The applicant has also stated that a lot of plant hire haulage trucks sit adjacent to Flisher Energy on Fernfield Lane and load/unload their plant, which could easily give the impression they are associated with Flisher Energy, which they are not.

50. Transportation Planning officers acknowledge the proposed increase in HGV movements to a total of 20 per day. They comment that the number of HGV movements is unlikely to have a severe impact on the highway network, subject to the continued use of Pavilion Road for access/egress as currently required. Subject to conditions safeguarding loading/unloading, parking, and turning areas, the use of Pavilion Road and no more than 20 HGV movements per they have no objection to the proposals. As such the small increase in movements is considered acceptable and accords with Policy DM13 of the KMWLP.

Landscape

51. The application site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB) and is within the Alkham East Kent Downs Landscape Character Area. The site was already heavily screened with trees and landscaping which limits its visibility and the additional planting secured through the conditions on the original planning permission assist further to screen the site. The approved landscaping plan for the site was designed to improve biodiversity, create important wildlife foraging corridors, and deliver important visual screening objectives. It includes additional native trees and native woodland understorey species to provide a dense woodland screen (4 metres wide), as well as a seeded soil bund approximately 3.5 metres high to the eastern end of the southern boundary and the eastern boundary.
52. This application is accompanied by a further visual impact assessment. The proposals involve additional external machinery which is considered relatively minor in visual impact terms when considered with the existing buildings and structures on the site. The majority of the equipment is along the northern side of the large existing building and is smaller in term of both height and mass and would be well screened from the consented dwellings approved on the field to the south of the site. However, the landscape assessment recommends further mitigation to screen the equipment from the south west by way of a mix of additional native trees and native hedge planting on the western end of the southern boundary and additional hedge planting on the western boundary adjacent to the site entrance. The details of this planting would be secured via condition.
53. The Kent Downs AONB Unit comment that the proposed amendments are considered to be relatively minor in terms of their impact on the Kent Downs AONB, taking into account the historic and existing nature and activities of the site. Subject to securing the additional landscape mitigation proposed they have no objections to the proposals. KCC Landscape Consultants are satisfied with the proposed landscaping.

Item C1

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

Conclusion

54. This site already has permanent planning permission for waste management and as such is safeguarded by Policy CSW16 of the Kent Minerals and Waste Local Plan. This application does not seek to make changes to any of the approved equipment from the original permission granted in 2018 but seeks retrospective permission for additional equipment which has been installed and is operational at the site. The applicant states that the machinery is to support the company's wood pellet expansion programme and the introduction of two new low carbon electrical production units. As such this would enable the expansion and continued operation as a wood recycling facility as well as providing sustainable and recycling benefits thereby contributing to the UK Net Zero emissions 2050 target and in accordance with the Kent Minerals and Waste Local Plan.
55. Any potential noise and dust impacts have been assessed by the County Council's consultants as acceptable subject to conditions, and there are no objections to the increase in throughput and associated small increase in traffic movements from KCC's highways advisor. Existing drainage arrangements and flood risk are considered acceptable. The site is considered to be relatively well screened and additional planting will assist further with this to ensure any impacts on the AONB are minimised.
56. I am satisfied that the proposals are in accordance with the Development Plan and therefore recommend planning permission be granted.

Recommendation

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

- i. Carrying out the development in accordance with the submitted documents.
- ii. Submission of details of the 3-metre-high barrier to the south of the site.
- iii. Submission of details of the timber enclosure for the bag filter fan.
- iv. No more than 25,000 tonnes of imported waste wood and no more than 20,000 tonnes of exported wood fuel.
- v. Noise rating limits from the site measured at sensitive receptors in accordance with BS4142 as below;

Noise Sensitive Receptor	BS4142 Rating level	
	0700-1900 hrs dB	1900-0700 hrs dB
Fernfield Farm	38	33
Fern Close	37	29
Stombers Lane	37	32
Stombers Farm	47	31

and noise output limits from shredder of 112dBA.

Item C1

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

- vi. Securing the location of the shredder during operation.
- vii. Hours of operation restriction on use of shredder and screener (07.00-16.30 Monday-Friday, 08.00-13.00 Saturday and no time on Sundays or Bank Holidays).
- viii. Limiting storage location for waste wood awaiting processing.
- ix. Safeguarding of parking and turning areas.
- x. No additional lighting.
- xi. Storage of oils, fuels and lubricants.
- xii. No more than 20 HGV movements, to be via Pavilion Road and restriction on hours of operation (08.00-17.00 Monday-Friday, 10.00-12.00 Saturdays and no time on Sundays and Bank Holidays).
- xiii. Submission of a detailed landscaping scheme.
- xiv. Within 5 years of planting, any trees or shrubs that become diseased or die shall be replaced within the next planting season with species to be agreed by the County Planning Authority.
- xv. Maintenance of surface and foul water drainage system.
- xvi. No infiltration of surface water into the ground without prior written consent.
- xvii. Compliance with the dust management plan.

Case Officer: Mrs Andrea Hopkins

Tel. no: 03000 413394

Background Documents: see section heading

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

FLISHER ENERGY LTD

PLANNING - SUMMARY

Definitions

Abbreviation/ Acronym/ Term	Definition
Waste Wood	Grade "A" & "B" waste wood, Forestry waste & residue (aka virgin), Arboricultural forestry waste.
Woodfuel	Woodchip or Wood Pellets
CHP	Combined Heat & Power (Generates Heat & Electricity)
HVO	Hydrogenated Vegetable Oil (Sustainable Waste Fuel)
GHG	Green House Gas Emissions

Company Summary

Flisher Energy is a renewable energy hub that specialises in generating sustainable (Low Carbon) wood fuel and renewable electricity to support the global transformation in energy demand and supply, moving away from fossil fuels and towards renewable low carbon energy.

The main business functions are:

1. Processing of waste woods to create a range of sustainably sourced woodfuel products suitable for the renewable energy market (Premium quality, high calorific value low moisture woodchip & wood pellets). All products are sold to domestic, commercial & industrial end users (Please see images in **Fig 1 & Fig 2**).
2. Renewable electricity generation, produced through:
 - A. One single biomass combined Heat & Power Unit, fuelled using sustainable woodfuel produced on site.
 - B. Two low carbon electrical production units, fuelled using HVO (sustainable waste vegetable oil).

Fig 1 - Sustainable Woodchip



Fig 2 - Sustainable Wood Pellets



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Sustainable Benefits of Flisher Energy

Flisher Energy recognises that there needs to be an inclusive approach with companies and countries globally moving in the same direction to meet global decarbonisation. Flisher Energy is focussed on Net Zero customer solutions to decarbonise heat and electricity through its diverse range of products and continues to invest in new technologies, processes and products to support this goal.

This strategic approach mirrors the COP26 number one objective to secure global net zero carbon emissions by mid century.

Benefits include but are not limited to:

Benefit	Summary
Net Zero	<p>Flisher Energy has achieved Net Zero Emissions through the ability to provide all of its heat and electrical requirements through on site generation through sustainable low carbon sources.</p> <p>This is in alignment with COP26 main objective.</p>
Renewable Electricity Generation	<p>Utilising waste fuels for electrical generation provides up to 100% Net GHG emissions savings compared to fossil fuel alternatives.</p> <p>Flisher Energy initially planned to export some of the electrical generation to the National Grid however realised that in doing this it would then only have to re-import fossil fuelled electricity back on site which would not only be financially disadvantageous but counter-intuitive.</p> <p>The sustainable benefit of renewable electricity generation is reducing the requirement from the National Grid's fossil fuelled electricity supply therefore reducing GHG emissions and our carbon footprint reduction.</p> <p>This sustainable benefit is achieved regardless of whether the renewable electricity generated on-site is utilised on-site or exported to the National Grid</p>
Decarbonising UK Heat	<p>Following the Paris climate change agreement in 2016, most countries, including the UK, committed to decarbonising their heating in an effort to reduce collective global carbon footprints. The central plank of this urgent initiative is to reduce our dependence on high carbon emitting technology, in particular, heating that uses gas and oil.</p> <p>Flisher Energy provides an essential service in producing sustainable fuels that allow UK companies to make the transition away from fossil fuelled energy requirements to sustainable low carbon alternatives.</p>

Item C1

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

Benefit	Summary
Sustainability	Utilising waste wood maximises the life cycle of the timber product by effectively utilising waste streams to produce a beneficial renewable fuel, whilst reducing carbon, increasing energy efficiency / renewable power, preserving natural resources and reducing landfill.
Energy Efficiency	By producing renewable energy (heat & electricity) we help bolster regional and national energy efficiency by reducing overall energy demand and reducing reliance on imports of fossil fuels (oil, gas & coal).
Energy Security	Renewable energy production (heat & electricity) supports regional and national energy security by adding diversity to an overall power generation portfolio. This reduced the reliance on fossil fuels and particularly reliance on other countries for our energy requirements.
Economic Development	Renewable energy production and companies / industry transitioning away from fossil fuel to renewable technologies creates economic development and jobs.
Reduction in Green House Gas (GHG)	Biomass Woodfuel reduce the amount of GHG that give more impact to global warming and climate change. The biomass emissions level is far smaller compared to fossil fuels. The basic difference between biomass and fossil fuels when it comes to amount of carbon emissions is: all the CO ₂ which has been absorbed by plant for its growth is going back in the atmosphere during its burning for the production of biomass energy. While the CO ₂ produced from fossil fuels is going to atmosphere where it increases greenhouse effect
Transportation GHG Reduction	Pelletised wood pellets have a much higher energy density when compared to raw biomass. Due to the higher energy density of this product, less overall mass is required for the same energy production. This increased energy density and lower mass reduces the number of vehicles on the road resulting in a vast reduction of carbon and transport green house gas emissions.

ORIGINAL CONSENTED DEVELOPMENT

- Renewable and Sustainable Wood Fuel Production (Chipping, Shredding & Drying of Wood Fuels).
- Sale of Wood Fuel
- 2 Onsite Heat Only Biomass Boilers - Powering Driers
- 1 Onsite Combined Heat & Power (CHP - Heat & Electricity) Biomass Boiler - Powering Driers and Providing Ancillary Power Production.

I can confirm that all three boilers that operate on woodfuel only are part of the Original Consent.

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

RETROSPECTIVE DEVELOPMENT

- Additional manufacturing process of wood pelleting **added** to already existing consented processes of chipping, shredding and drying of wood fuel.
- All the additional equipment listed in the Retrospective Planning are an essential part of compressing the wood into wood pellets.
- The pellets are produced through the pellet mill which does not require planning permission as it is an internal process in an existing building.
- The internal pellet mill process has been technically assessed for Noise, Dust and Air Quality.
- **Two** new, low carbon electricity production units to supply the power requirements for all the additional equipment required to compress wood into wood pellets.

I can confirm that there is one additional biomass boiler (Heat Only) which operates on woodfuel only and is a process requirement for the compression of wood into wood pellets.

ELECTRICITY GENERATION

The two low carbon renewable electricity production units are operated on imported Waste Vegetable Oil (HVO).

The two units create renewable electricity equivalent to powering 2000 homes.

Flisher Energy is utilising all of this renewable electricity on site to operate all of our equipment (Existing and Retrospective Consents).

We have made a business decision to not export the renewable electricity into the National Grid but to use all of our own electricity on site.

Regardless of the end use, the renewable electricity is still being generated with all the associated sustainable benefits. We are now using our own renewable electricity to offset fossil fuel electricity supply from the National Grid.

Theoretically, we can in the future switch to exporting all our renewable electricity generated by the new low carbon production units to the National Grid but in order to do so, we would have to:

1. Ease wood fuel operations
2. Apply for a grid export connection or balancing agreement
3. Request UKPN upgrades the switchgear to allow export to the grid
4. Satisfy that it is financially viable to do so (it currently is not)
5. Explore waste heat use options from electrical generation to support financial viability

The two additional equipment low carbon production units installed could facilitate export to the grid if all of the above conditions are met.

The low carbon generators are solely being used for wood fuel activities on site which therefore allows the national grid to distribute electricity for 2000 homes elsewhere that would have been allocated to Flisher Energy without them.

Item C1

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

ENVIRONMENT AGENCY

We are not in scope for the Specific Generator Regulations and therefore they do not apply.

The Medium Combustion Plant Directive (MCPD) mentioned by the EA would only potentially apply to one boiler from the original consented planning development. Please note that this MCPD was not necessary in the original planning consent and is now only possibly required due to legislation changes since the original consent.

We have engaged consultants to investigate our MCPD requirements as a matter of diligence and can confirm that should we receive confirmation from the EA that MCPD is necessary, we technically have until 2029 to comply as per UK Government Guidance because this is a pre-2018 commissioned installation.

Our consultants will be liaising with the EA to get clarification upon the above and will be managed accordingly regardless of outcome.

Please note this is not a planning requirement.

Regulatory Bodies

Flisher Energy works in close partnership with a number of regulatory bodies to retain its renewable accredited statuses and demonstrate its sustainability - These include:

Regulatory Body	Summary
Biomass Supplier List (BSL)	<p>The BSL was introduced by the UK Government "Department for Business, Energy and Industrial Strategy" (BEIS) in April 2014 to ensure that companies selling woodfuel meet sustainability and legal requirements.</p> <p>Flisher Energy is fully accredited on to the BSL and has passed multiple audits.</p>
Combined Heat & Power Quality Assurance Programme (CHPQA)	<p>The CHPQA is managed on behalf of the UK Government "Department for Business, Energy and Industrial Strategy" (BEIS).</p> <p>The aim of the CHPQA is monitor, assess and improve the quality of UK Combined Heat & Power.</p> <p>Flisher Energy is fully accredited on to the CHPQA demonstrating its support to the environmental, economic and social benefits of CHP. Flisher Energy has passed multiple audits.</p>
Office of Gas & Electricity Markets (OFGEM)	<p>OFGEM are a UK Government Department that regulates the electricity market in the UK and protects consumers by working to deliver a greener, fairer energy system.</p> <p>Flisher Energy is fully accredited on two OFGEM administered schemes and continues to meet all OFGEM requirements and pass all audits (including stringent annual sustainability audits).</p>

Item C1

The installation of machinery comprising a dust extraction system and flue, fuel stores, pellet stores, hoppers, Stela Dryer, a sound attenuated shipping container and 2 low carbon electrical production units, an additional boundary enclosure, and an increase in the quantity of wood waste to be imported/exported and number of HGV movements (part retrospective) at Flisher Energy, Fernfield Lane, Hawkinge, Kent CT18 7AP - DO/21/00761 (KCC/DO/0105/2021)

CONFIRMATIONS

I can confirm:

1. Two Boilers and One Biomass CHP is Part of the Original Consented Development
2. HVO is an Imported Treated Waste Vegetable Oil Used for Renewable Electricity Production
3. Waste timber products are imported on site where they are then processed through chipping, shredding, drying and pelletising in to our woodfuel products where they are then exported for sale or used in the on site boilers.
4. We are fully aware of the EA requirements for Flisher Energy and have all the correct permits on site to run Flisher Energy's current operations.

Simon Flisher - Managing Director

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

Construction of highway improvements to the A249 Grovehurst Road junction to replace the existing 'dumbbell' junction arrangement with a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

A report by Head of Planning Applications Group to Planning Applications Committee on 16 March 2022.

Application by KCC Major Capital Programmes (Highways) for Construction of highway improvements to the A249 Grovehurst Road junction to replace the existing 'dumbbell' junction arrangement with a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

Recommendation: Permission be granted subject to conditions.

Local Member: Mr Mike Baldock & Mr Mike Dendor

Classification: Unrestricted

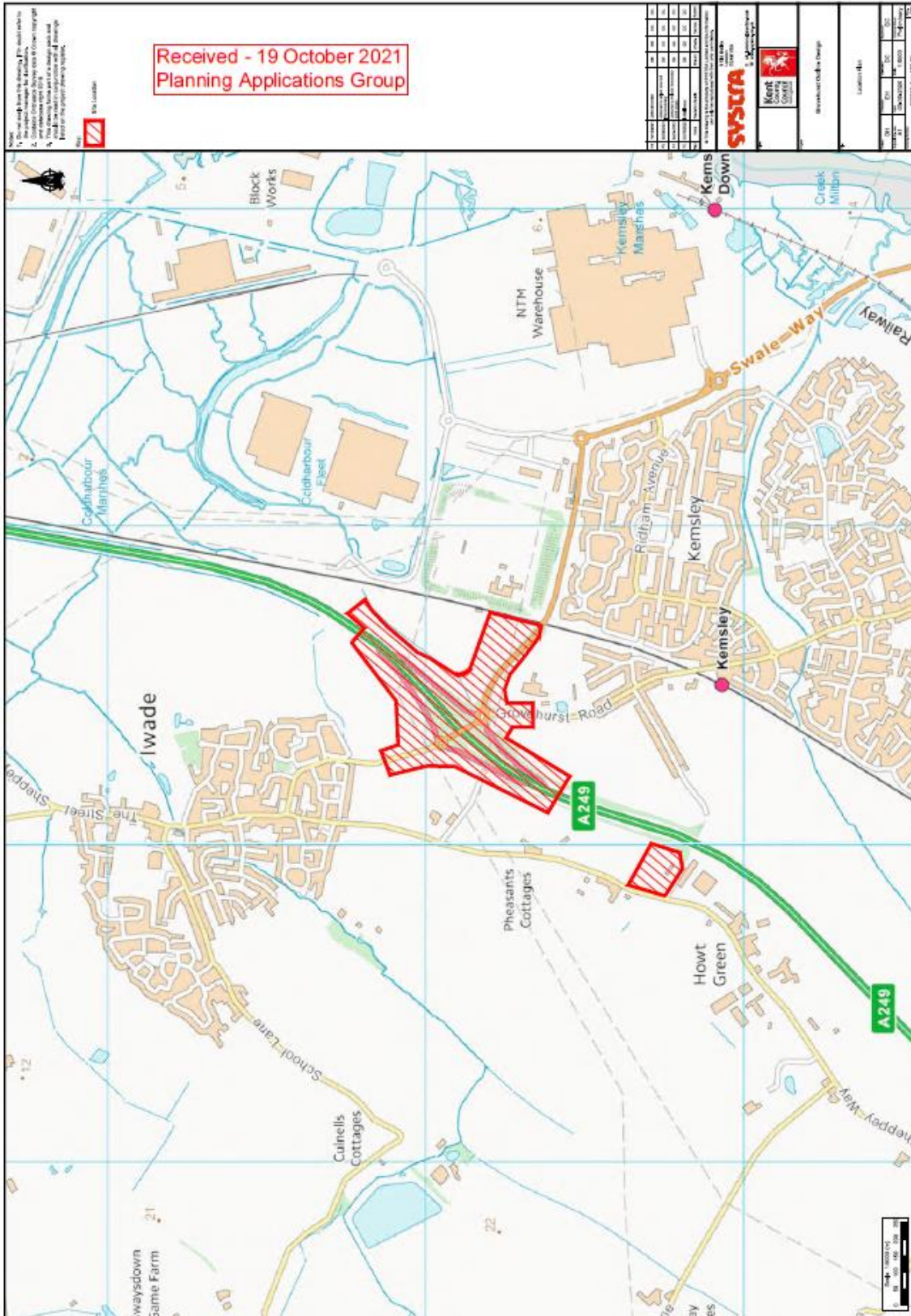
Note: All the small extract plans included in the report are provided in a colour copy Appendix 1 for clarity, with corresponding paragraph numbers.

Site

1. The Grovehurst Road junction is located at the convergence of the A249 dual carriageway, Grovehurst Road and Swale Way (B2005, also known as the Sittingbourne Northern Relief Road). The junction is the main route for traffic heading towards the Sittingbourne Northern Relief Road to the east and the village of Iwade to the west, and has connections to Grovehurst Road. The junction comprises a double roundabout layout with a two-lane carriageway bridge over the A249 connecting the two, known as a 'dumbbell' arrangement.
2. One existing roundabout is located on each side of the A249, with an overbridge over the dual carriageway that connects them. The north western roundabout has four arms, including the northbound A249 on-slip and off-slip, as well Grovehurst Road leading to Iwade and the overbridge arm. The south eastern roundabout has 5 arms, which includes the southbound A249 on-slip and off-slip, Grovehurst Road leading into Sittingbourne, Swale Way (Sittingbourne Northern Relief Road) and the overbridge arm.
3. The application site includes the existing junction arrangement and then land surrounding it to both the north-west and southeast of the A249 for the junction improvements. This includes approximately 16,000m² of existing agricultural fields to the north of the junction (adjacent an area allocated for new housing south of Iwade); approximately 17,500m² of scrub land between the A249, Swale Way and Nicholls Transport; and approximately 1,250m² to the south which is the corner of the field between Swale Way and Grovehurst Road.

Item D1 Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

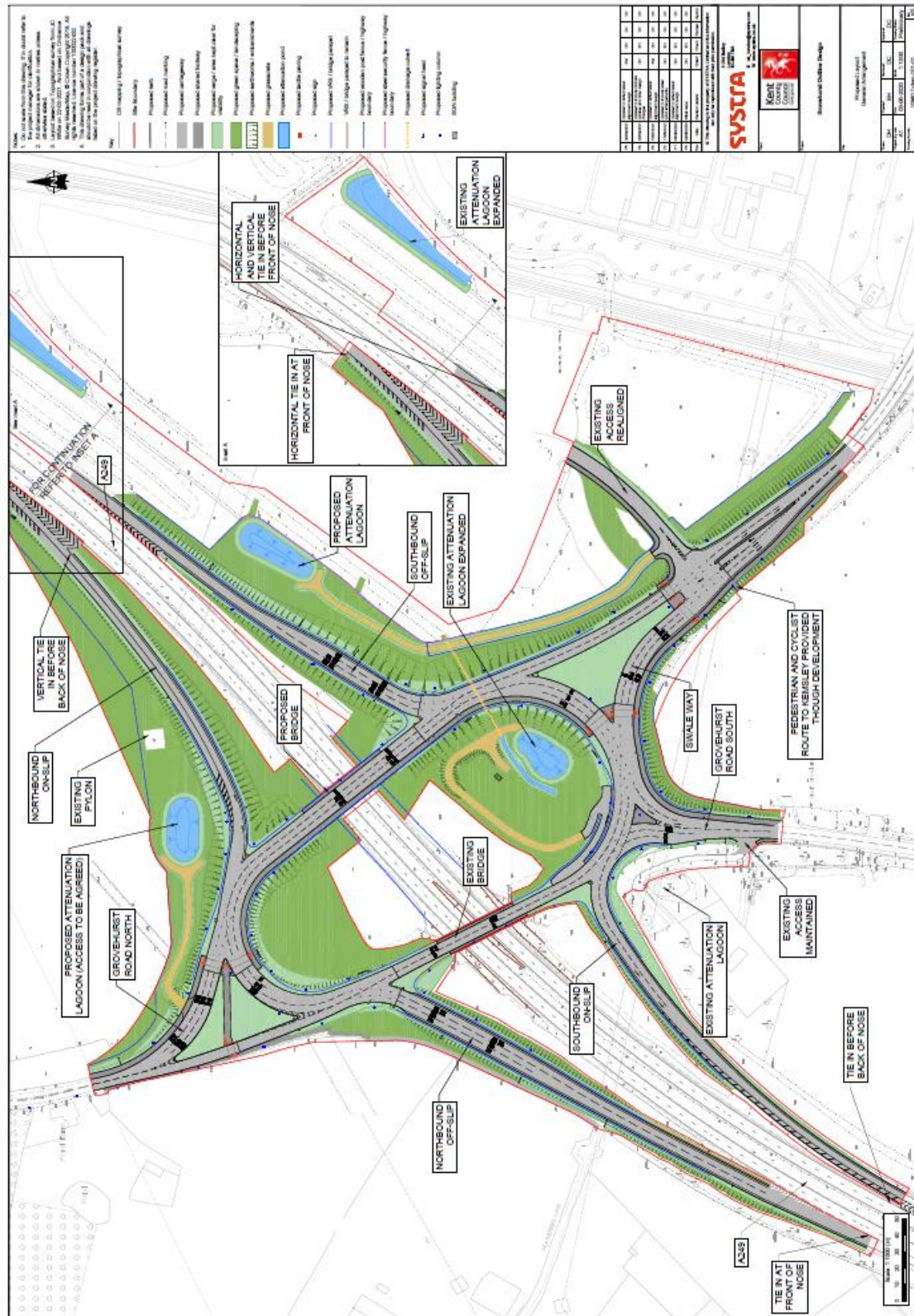
General Location Plan



Item D1

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

Proposed Layout – General Arrangement



**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

4. The application site also includes a parcel of land at the junction of Sheppey Way and Bramblefield Lane to the west of the A249, which it is proposed would be used temporarily for a staff welfare compound and parking area.
5. In terms of the wider area, the junction is located at the edge of the urban area of Iwade to the north and Kemsley and Sittingbourne to the south and outside of the road network itself is generally dominated by agricultural fields, with sparse farm buildings and a scattering of residential dwellings. Large parts of this agricultural land are included as residential allocations in the Local Plan (see paragraph 10 below). To the east of the site is the Nicholls Transport site, which is used for warehousing and distribution/logistics, with large areas of hardstanding. Ridham Dock lies to the northeast of the Grovehurst Road junction and utilises this junction of the A249 as the main vehicular access for the docks and adjacent industrial estate.
6. There are groups of trees surrounding the A249 and both parts of the dumbbell roundabout, most of which were planted in the mid 1990's when the A249 was constructed. The site is fully within Flood Zone 1, signifying a low risk of flooding. Other than the existing roads and their footpaths, there are no public rights of way within the site. Two overhead electricity lines cross the application site, south-west to north-east, with one crossing to the north of the existing dumbbell junction and one to the south.
7. There are a number of environmental designations in proximity to the site, but not within it. The land alongside the river Swale approximately 0.5km to the north of the site has been designated as a Ramsar Site, Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA); Medway Estuary and Marshes, approximately 1.6km to the north of the site, has also been designated a Ramsar Site, SSSI and SPA; and the Swale tidal channel itself, including Milton Creek, is a designated Marine Conservation Zone.
8. The A249 dual carriageway is part of the Strategic Road Network operated by National Highways (formerly Highways England), whilst the remainder of the highway network in the application site falls within the domain of Kent County Council as the local highway authority.

Planning History

9. The A249 as it passes through the application site was constructed in the Mid 1990's following consent granted by the Secretary of State for Transport under the A249 Iwade Bypass Order 1992. This permitted the construction of a new dual carriageway highway between the A2 and the Kingsferry bridge, to replace the previous route, now known as Sheppey Way. The Planning, Design and Access statement details the planning history relating to the junction which includes the construction of parts of the Milton and Kemsley distributor road and the relocation of the Nicholls Transport depot to its current location. In addition, the statement sets out the planning history for the brownfield site at Sheppey Way/Bramblefield Lane, which is currently unoccupied and enclosed by temporary wire mesh fencing, and which has previously been used for car parking on a temporary basis in association with the construction of both the A249/Iwade bypass and the installation of the overhead electric lines.

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

Other Planned Development in Proximity to the Junction

10. There are major development sites allocated in the Local Plan which adjoin the Grovehurst Road junction. This includes the Iwade expansion covered by Policy A17, and the Land at northwest Sittingbourne allocation covered by Policy MU1. As part of these housing allocations there are permitted and on-going planning applications with Swale Borough Council, which include:

18/502190/EIHYB Land North of Quinton Road – Awaiting decision

Hybrid application comprising two full application elements and an outline application element. Phase 1 North (full application) seeks permission for 91 dwellings; Phase 1 South (full application) seeks permission for 257 dwellings; and the Outline application seeks permission for up to 852 dwellings, plus associated facilities including education, local centre, local retail, public amenity space and children’s play areas etc.

18/502372/EIOUT Land at Great Grovehurst Farm – Permitted 02/07/2021

Outline application for the development of up to 115 dwellings and all necessary supporting infrastructure.

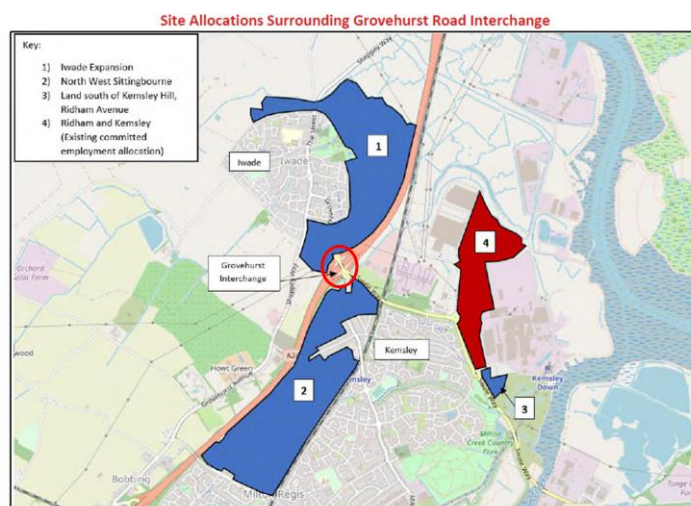
19/501332/FULL Land at Pond Farm – Awaiting decision

Full application for the erection of 69 dwellings accessed from Grovehurst Road with associated landscaping and ecological enhancement works etc.

19/503974/HYBRID Land East of Iwade – Awaiting decision

Hybrid application comprising an outline element for up to 466 dwellings and a community hall, and a full application for access from Grovehurst road and The Street and for a country park.

11. As well as the housing allocations within the Local Plan, commercial development of ‘B’ use class floorspace has also been allocated in the Local Plan at ‘Land south of Kemsley Hill, Ridham Avenue’ (proposed employment allocation of 8,000sqm) and ‘Ridham and Kemsley’ (committed employment allocation of 140,200 sqm) which would have an associated impact on the junction due to the location of the sites just off Swale Way. The allocations are shown on the plan below, with the Grovehurst Road junction circled.



Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

12. In addition to these applications there is other planned work at the Key Street junction of the A249 and A2, as well as alterations to the M2 junction. The Key Street junction works involve the widening of the existing roundabout and its approaches, reconfiguration of the existing southbound on-slip via Chestnut Street and other ancillary works. These works are required to accommodate future demand following significant housing and commercial growth in the area, but do not require planning permission as the works benefit from deemed consent under the General Permitted Development Order. The works to the M2 junction, promoted by Highways England (now National Highways) as the operator of the Strategic Road Network, have been necessitated by heavy congestion and high collision rates and involve the construction of a new flyover for the A249 allowing traffic to cross the existing roundabout, new associated slip roads and other safety improvements. The Secretary of State for Transport decided in June last year that the A249 Trunk Road (Stockbury Roundabout Improvements) Order 2021, and an associated side road order and compulsory purchase order, should be made authorising these works. There is a statutory obligation for KCC and National Highways as the relevant Highway Authority's to manage road works on the network, and KCC as applicant has confirmed that they are in discussions with National Highways to ensure the delivery of both the M2 Junction 5 project and the Grovehurst Road improvements with the minimum amount of disruption possible. In general terms both sets of road improvements intend to maintain traffic flows during construction. Any need for road closures or traffic management measures that limit the flow of traffic would be discussed and agreed with the KCC street works coordinator and National Highways road space manager as well as the M2 Junction 5 project team to minimise the impact of traffic management and diversion routes necessary for any temporary closures.

Environmental Impact Assessment (EIA) Screening

13. The applicants submitted a request for a Screening Opinion to KCC on 6th November 2020, to assess whether the proposed junction improvements at Grovehurst Road required an Environmental Impact Assessment. In response to this EIA Screening Request, the County Council advised in its Screening Opinion (dated 22nd December 2020) that the proposed development *did not* constitute EIA development and as such an Environmental Statement was not required to support the planning application.
14. The Screening Opinion noted that the development site was not within a 'sensitive area' as defined in Part 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, however it involved areas of land over and above the threshold of 1ha given in column 2 of Schedule 2 of the Regulations for development of infrastructure projects – (f) construction of roads. As such it fell to be considered as Schedule 2 Development and screening was required to establish whether or not an Environmental Impact Assessment was required. In reaching the decision that it was not required, the Screening Opinion stated that the development was not of a scale or nature that would result in wide ranging environmental effects and would not have unusually complex and potentially hazardous environmental effects. It stated that a considerable portion of the permanent development would overlay the existing highway infrastructure and highway boundaries, which was considered of low environmental sensitivity.
15. It stated that although the total area of works (including temporary working areas) was approximately 10.6ha the proposed carriageway surface area would only increase by

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

about 0.8ha, from 2.0 to 2.8ha. It was acknowledged that there would be a localised landscape and visual impact, and potential impacts on protected and other wildlife species, but that these impacts could be mitigated against by re-seeding and new planting and appropriate precautionary measures, mitigation and enhancement for biodiversity. It acknowledged that drainage design would mitigate against potential surface water flooding and measures implemented to minimise potential ground contamination. Appropriate construction practices would mitigate against construction impacts of the development, and the resulting improvement to the operation of the highway including the free flow of traffic would mean no significant effect on air quality, noise or vibration in the locality would be likely.

16. Overall, it was concluded that the proposed junction improvements were not likely to have significant effects on the environment. The development did not, therefore, need to be subject to Environmental Impact Assessment, as defined in the Regulations, and did not need to be accompanied by an environmental statement.

Proposal

17. The application seeks approval for a new gyratory to replace the existing dumbbell junction configuration at the Grovehurst Road junction with the A249 in Sittingbourne. The new gyratory would have a roughly oval footprint raised above the A249, which would run underneath. The proposal includes the following elements which will be described in detail below:

- Repurpose the existing bridge to form part of the new gyratory
- Construction of an additional bridge north-east of the existing one to form part of the new gyratory
- Removal of the existing dumbbell roundabouts to both the north-west and south-east of the A249
- Alterations and reconstruction of the A249 slip roads
- Alterations to the roundabout approaches and exit arrangements between the new gyratory, Grovehurst Road and Swale Way
- Installation of traffic lights on the gyratory and respective roundabout approaches
- Introduction of controlled pedestrian and cycle (toucan) crossings
- Provision of a new access into Nicholls Transport Logistics Park off Swale Way
- Associated earthworks, drainage and landscaping
- Temporary use of site as a staff welfare compound



Proposed Junction Design

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

New Gyratory

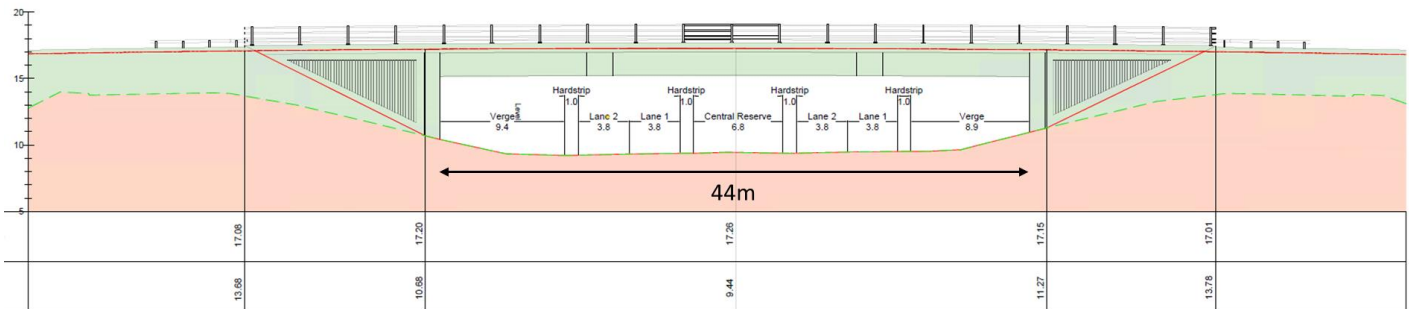
18. As shown above the new gyratory would be roughly oval in shape and would utilise the existing bridge as the western side of the oval, with the new bridge forming the eastern side of the oval, and the curves of the gyratory being slightly tighter at the northern end than the southern end. The curves of the gyratory either side of the A249 (which would run underneath the bridge elements) would replace the existing dumbbell roundabouts. These curves would form junctions with the on and off slip roads and Grovehurst Road to the north of the A249, and the on and off slip roads, Grovehurst Road South and Swale Way to the south. In both cases (north and south of the A249) the curves of the gyratory would extend beyond the footprint of the existing dumbbell roundabouts to incorporate additional land to allow the proposed layout.
19. The gyratory's footprint would have a maximum length (north to south perpendicular to the A249) of approximately 280m when measured from the outer edge of the proposed highway. It would have a maximum width (west to east, parallel with the A249) of approximately 140m, again measured from the outer edges of the proposed highway. The gyratory would be two lanes wide on the existing bridge but extending to three lanes at the curves of the gyratory and on the new bridge. The gyratory would be mostly raised above existing ground levels, requiring earthworks to form highway embankments. The application includes section drawings at 17 points throughout the scheme, illustrating the existing ground levels and proposed levels, and where the land needs to be built up and small areas where it would be cut away. On the curve of the gyratory to the north of the A249 (approaching the northbound on slip) the gyratory would be raised approximately 3m above the existing ground level. On the southern side of the A249 on the southbound off slip (approaching Swale Way) the ground level would be raised approximately 5m above existing ground level and on the curve of the gyratory itself having left the off slip road, the section shows an increase above existing ground levels of approximately 6m. Much smaller increases would be required at other points around the scheme. The gyratory would be signal controlled as described later in this section.

New Highway Bridge

20. The new bridge to be constructed to form the gyratory would be located approximately 90m to the north of the existing bridge, and perpendicular to the A249 beneath. It would accommodate traffic crossing the A249 between Iwade and Sittingbourne (north to south) and traffic heading southbound on the A249. The bridge would also accommodate a shared footway and cycleway. The bridge would be a single span structure with sufficient width to accommodate future widening works to the A249 should this be required in the future. The existing bridge would be repurposed from a two-way road to a two lane, one way road accommodating northbound gyratory traffic and local traffic heading across the A249 between Sittingbourne and Iwade (south to north).
21. The new bridge would have a total length of approximately 73m at deck level which would then tie into the ground works at either end of the embankments. The span across the road would be 44m which equates to the width of the two dual carriageway roads of the A249, the central reservation, and a verge at either side of the road, as shown below.

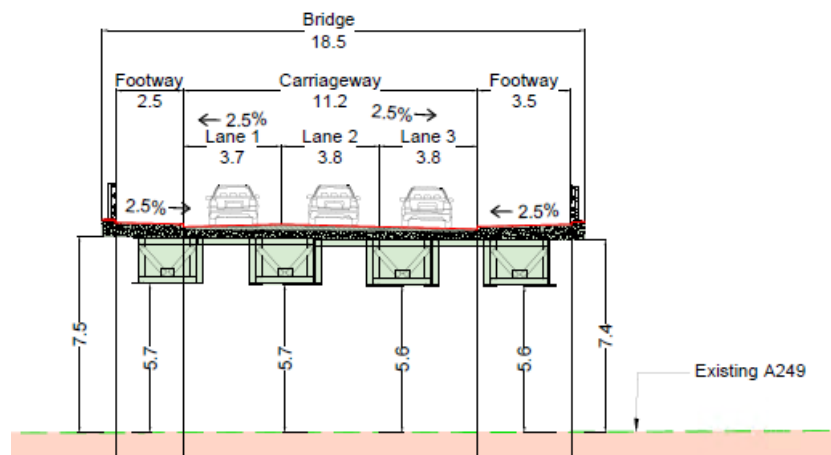
Item D1

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**



Elevation 1 - Proposed Bridge

The bridge would have a total width of 18.5m to accommodate three carriageway lanes and the shared cycleway and footway. It would have a minimum clearance above the A249 to the underside of the bridge of 5.3m. The total height of the structure would be approximately 10m from the A249 road level to the top of the bridge safety railing. The railing would be a 1.4m high parapet, with metal mesh infill on both sides of the structure for safety and protection of both motorised and non-motorised users.



Slip Road reconfigurations

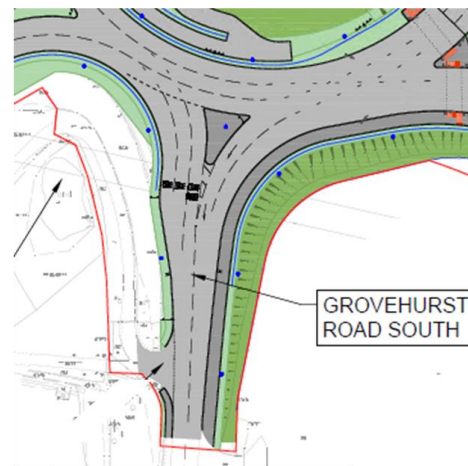
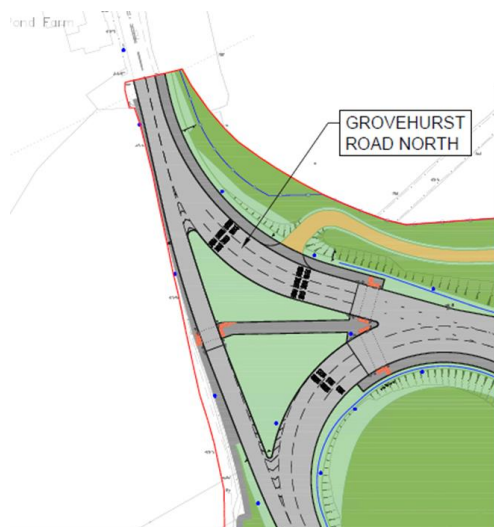
22. As the junction would be enlarged, the northbound on slip and southbound off slip would need to be completely reconstructed, with earthworks forming new slip road embankments between the new gyratory level and the A249 level. The alignment of the northbound on slip would be moved to the north to tie into the gyratory at a point approximately 90m north of the existing on slip. The slip road would quickly merge from two lanes off the gyratory into one lane for joining the A249, and the slip lane would have a length of approximately 300m. The alignment of the southbound off slip would be shifted to the south of the existing and would tie in with the new gyratory at a point approximately 110m north-east of where the existing slip meets the dumbbell roundabout. The southbound off slip would have a length of approximately 260m.
23. The northbound off slip would undergo minor works to widen the slip road by approximately 7m on the approach to the gyratory, to incorporate a third approach lane, but would maintain its existing alignment. The southbound on slip would similarly undergo minor widening works (2-3m) on the exit from the gyratory (it being retained as two lanes off the gyratory merging into one lane before joining the A249) with its current

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

alignment maintained. New verges and planting would be introduced on both of the slips.

Alterations between Grovehurst Road, Swale Way and the new Gyratory

24. Grovehurst Road North would form a new junction with the gyratory with a separate junction approach and exit, separated by a large, grassed island with foot and cycle access across it. The northbound gyratory exit toward Iwade would follow the existing alignment of Grovehurst Road North, but the new gyratory approach would be located 60m to the north-east. The new approach road would have three lanes and a width of approximately 11m.
25. Grovehurst Road South would approach the gyratory on roughly the same alignment as existing, with a new exit from the gyratory being provided approximately 15m to the east of the existing road, separated by a small, paved island. The provision of the new exit would allow the existing road to be converted to serve traffic approaching the gyratory only, and there would be three lanes at the junction with the gyratory, with a width of approximately 11m at the bellmouth. The exit road would have a width of approximately 20m and would have two lanes, feeding into one as the new road re-joins the existing Grovehurst Road South. The layouts are shown in the extracts below.



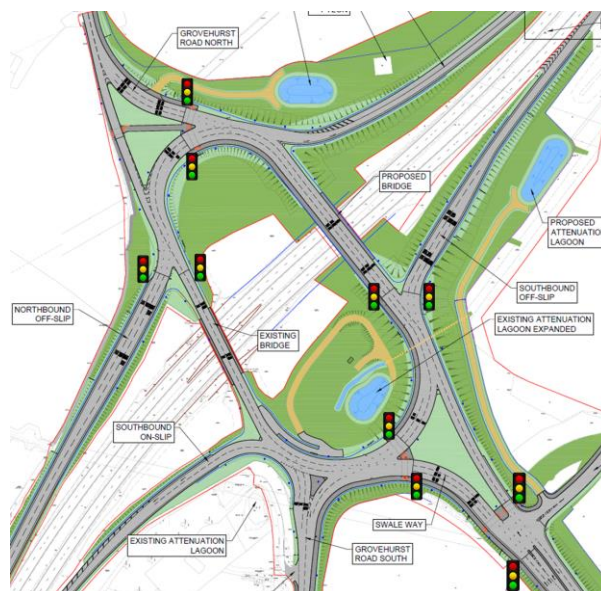
26. The existing Swale Way would be reconfigured on both the approach to and exit from the gyratory. The new approach road would be located approximately 60m to the east of the existing dumbbell roundabout and have a length of 90m and a width of 11m, incorporating three lanes of traffic. The new exit road would have a length of approximately 105m, a width of 8m and would incorporate two lanes of traffic. The approach and exit roads would be separated by a large, grassed island. An extract of the layout is shown below.

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)



Installation of traffic lights to Gyratory and approaching roads

27. The new gyratory would be traffic signal controlled on the key junctions. Traffic lights would be positioned at the junction of the gyratory with the northbound off slip; at Grovehurst Road North at the approach to the gyratory; at the junction of the gyratory with the southbound off slip; at Swale Way where the road meets the gyratory; and at four points on the gyratory itself where these junctions meet. There would be no traffic lights at the junction of Grovehurst Road South with the gyratory. One additional set of lights would be installed for the new access for the Nicholls Transport site (outlined below). For clarity, the map below indicates the position of the traffic lights.

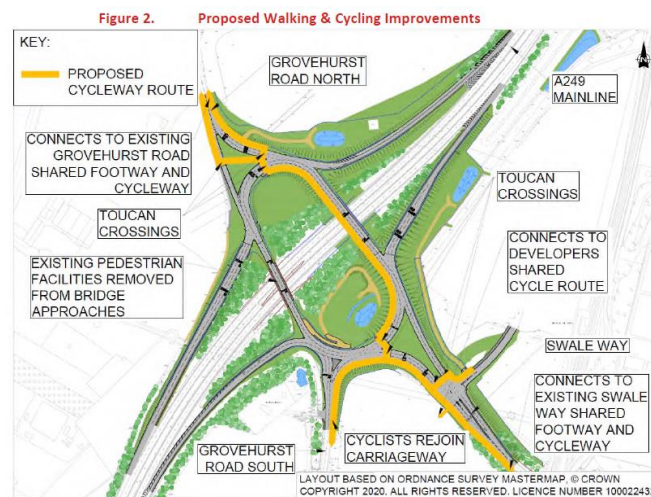


Controlled pedestrian and cycle crossings

28. The proposed scheme would provide a dedicated shared footway and cycleway across the new highway bridge and new controlled cycle and pedestrian toucan crossings to link with the existing cycle and pedestrian provision in the vicinity. This dedicated route would replace the narrow and uncontrolled footpath which currently runs across the western side of the existing overbridge. The shared footway and cycle way would be

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

provided along the eastern side of Grovehurst Road south, the south-western side of Swale Way, the western side of the access road for Nicholls Transport, the western side of the gyratory across the new overbridge, and along both sides of Grovehurst Road north. The route would include six new toucan road crossings with tactile paving, which would be signal controlled to prioritise pedestrian and cycle crossings. The pedestrian/cycle route is indicated on the plan below in yellow.



New access to Nicholls Transport off Swale Way

29. The existing access for Nicholls Transport would be reconfigured to take account of the realignment of Swale Way to meet the new gyratory. This would involve the creation of a new junction approximately 20m to the east of the existing access point. As set out above the access from Nicholls Transport onto Swale Way would be traffic light controlled. On Swale Way heading north-west this would involve three lanes at the traffic light junction, two to proceed to the new gyratory and one dedicated right hand turn lane into the site. Off the new gyratory heading south-east towards Sittingbourne there would be two lanes coming through the new traffic controlled junction, which would gradually feed into one lane before re-joining the existing carriageway where it goes over the railway bridge. The new access road itself would be a broadly straight two lane access with a width of 11m and a length of 95m before it joins the existing road within the site.

Earthworks, Landscaping and Drainage

30. As described above (paragraph 19) there would be earthworks required for the scheme to form a suitable highway level for the proposed gyratory, the visual impact of which would be softened by the landscape scheme. The proposed works would result in the loss of trees around the existing Grovehurst Road slip roads and dumbbell roundabouts. A new landscape scheme is therefore proposed which would involve new native woodland planting alongside all four of the A249 on and off slip roads and significant planting along the north of the new gyratory (facing Sheppey) where the most extensive groundworks would take place. New individual trees, including fruit trees, are also proposed throughout the site area, along with shrub planting within the gyratory and new areas of grassland, including species rich grassland habitat creation and wetland grasses around the attenuation ponds. Several groups of existing trees within the site boundary would also be retained.

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

31. The existing highway drainage systems would require reconfiguring to accommodate drainage from the new road layout. Two new attenuation ponds would be provided within the scheme. The first would be located to the north of the gyratory and the northbound on slip and would be 20m in width and 40m in length, accessed for maintenance from Grovehurst Road North. The second would be to the east of the southbound off slip, adjacent to the Nicholls Transport site, and would have a width of 18m and a length of 50m. This second new pond would replace an existing attenuation feature associated with the Nicholls Transport site. The capacity lost here would be re-provided by enlarging an existing attenuation pond between the Nicholls Transport site and the A249 at the very north-eastern end of the application site. No water from the highway drainage system would be directed to this expanded attenuation pond which would simply redress the capacity lost from the existing feature. The existing Swale Way attenuation pond would also be expanded on its current site and be encircled by the new gyratory, with a new access track from the gyratory provided for maintenance. The enlarged size of the pond would be 20m wide and 35m long.

Staff Welfare Compound

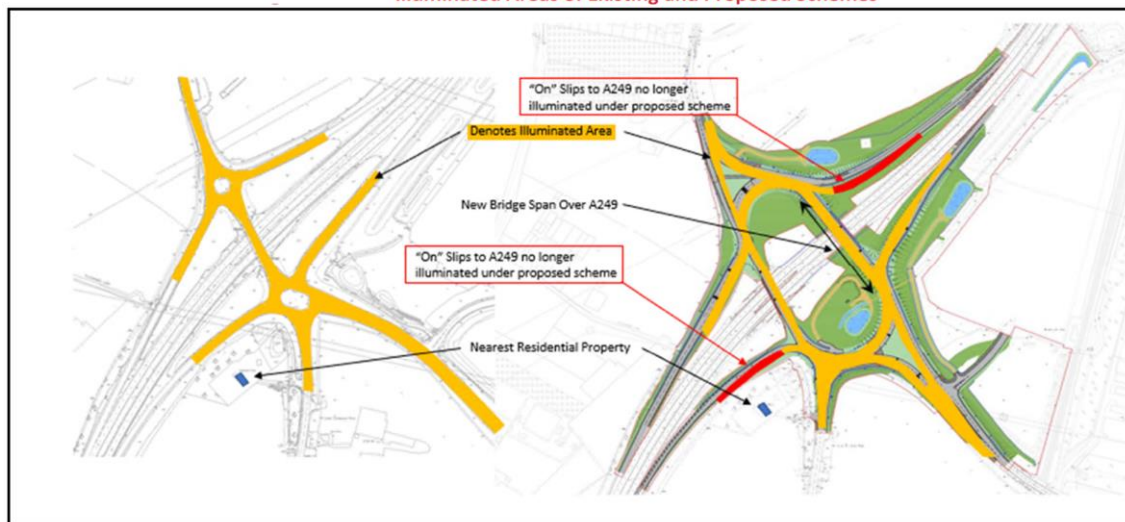
32. The application includes the use of a brownfield site on the corner of Bramblefield Lane and Sheppey Way to the south-west of the junction, which has significant areas of existing hardstanding. The compound would be used for staff parking and the provision of temporary office and welfare facilities during the construction period. It is intended that staff would park at the compound on Bramblefield Lane and be shuttled between this and the main construction compound off Swale Way to minimise staff traffic through the junction and lessen the space requirements of the main construction compound. It is noted in the application documents that the temporary use of the site as a welfare compound in association with and for the duration of the construction works would normally fall under Part 4, Class A of the Permitted Development Rights, however, as the welfare compound is not adjacent to or within the application site of the main works, it needs to be specifically included within the application proposal. The site would be restored to its current state following the completion of the works.

Signage, Street Lighting and Speed Limits

33. New highway signage would be included on all junction approaches and exits as set out on submitted drawings. Street lighting would also be provided across all areas of the gyratory including the new bridge, all junction approaches and on all exits - with the exception of the A249 northbound and southbound on slips, which would no longer be lit. The Design Manual for Roads and Bridges (DMRB) identifies National Guidance including Institute of Lighting Professionals (ILP) guidance should be followed in terms of lighting design. In this case as the A249 itself is not lit it has been assessed that the on slips would not need to be lit either, as they lead to an unlit section of road and there are no obstacles on the road that need highlighting. There would be a total of 61 LED lanterns used within the new scheme on 10m high columns, replacing the existing 42 lighting columns (also 10m high) under the current layout. The image below shows illuminated areas under the existing and proposed layouts.

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

Illuminated Areas of Existing and Proposed Schemes



34. The proposed gyratory would be covered by the National speed limit as per the existing dumbbell and overbridge arrangement, but Grovehurst Road North and South would have a new speed limit of 30mph directly off the gyratory, with Swale Way retaining its 40mph speed limit under the revised layout, as shown below.



Existing and Proposed Speed Limits

Construction Programme

35. The proposed construction programme aims to ensure that the works are organised and delivered in a manner which minimises disruption and impact on the local highway network, residents, local businesses, pedestrians and cyclists. It is intended that the junction would remain 'live' during construction works with traffic management scenarios to be agreed with KCC Highways and Transportation. Any closures required would primarily take place overnight or at weekends. It is anticipated that construction traffic would be routed along the strategic highway network (M2, M20 and the A249) with traffic only using Swale Way as a secondary route. The main construction compound/material lay down area would be located to the east of the proposed junction, on the open land between the Nicholls Transport site and Swale Way. Banksmen would be used to oversee all manoeuvring, loading and unloading. The construction programme is anticipated to take between 18 and 24 months to complete.

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

Planning Policy

36. The following Guidance/Statements and Development Plan Policies summarised below are relevant to the consideration of the application:

- (i) **National Planning Policy Framework (NPPF) July 2021** and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However, the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications, the NPPF states in paragraph 38 that local planning authorities should approach decisions in a positive and creative way, and decision makers 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:

- significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (*paragraph 81*);
- transport issues should be considered from the earliest stages of plan making so that the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; environmental impacts of traffic and transport infrastructure identified and taken into account; and relevant design impacts taken into account (*paragraph 104*);
- whether impacts from the development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe (*paragraphs 110-111*);
- applications should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed (*paragraph 113*);
- the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (*paragraph 126*);
- Section 15, which covers the conservation and enhancement of the natural environment (*paragraphs 174-188*);

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

- the significance of any heritage assets should be taken into account, along with the contribution made by their setting and should include heritage assets with archaeological interest (*paragraph 194*); and
 - it is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite resource and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation (*paragraph 209*).
- (ii) The adopted **Swale Borough Local Plan – Bearing Fruits 2031 (adopted July 2017)** (summarised policies)

Policy ST1 Delivering sustainable development in Swale: Development proposals will deliver sustainable development in Swale by building a strong competitive economy; ensuring the vitality of town centres, supporting a prosperous rural economy; accord with Local Plan strategy; support the aims of the Swale Local Transport Strategy; support high quality communications infrastructure; deliver a wide choice of quality homes; achieve good design; promote healthy communities; meet the challenge of climate change; conserve and enhance the natural environment; and conserve and enhance the historic environment.

Policy ST4 Meeting the Local Plan development targets: Provides details of allocated sites for development which includes housing sites at Land at NW Sittingbourne and Land East of Iwade, and commercial sites at Ridham and Kemsley and Land South of Kemsley Mill which are all in proximity to the application site.

Policy ST5 The Sittingbourne area strategy: Development proposals will, as appropriate, increase the supply and quality of employment provision. Unanticipated needs that cannot be met at allocated or existing employment sites will be permitted at locations close to the A249 in accordance with Local Plan policies. The policy seeks to support improved connections to the A249 and M2 from West Sittingbourne and in the longer term, the completion of the Sittingbourne Northern Relief Road to the A2.

Policy CP1 Building a strong, competitive economy: Development proposals will, as appropriate, meet unanticipated needs on appropriate sites within 'priority locations' including sites well related to the A249, A2, Sittingbourne Northern Relief Road or A299 Thanet Way.

Policy CP2 Promoting sustainable transport: Development proposals will, as appropriate, contribute to transport network improvements, where capacity is exceeded and or safety standards unacceptably compromised, with particular emphasis on those identified in the Infrastructure Delivery Schedule; make best use of capacity in the network by working together with transport providers to improve the transport network in the most sustainable way, and extending it where necessary, as demonstrated by Transport Assessment and Travel Plans

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

in support of development proposals; support the provision of major new transport infrastructure in accordance with national and local transport strategies; maintain and improve the highway network at key points to improve traffic flows and respond to the impact of new development and regeneration, as set out in the Local Transport Strategy.

- Policy CP6 Community facilities and services to meet local needs:** The Council will work with developers and other public agencies to identify deficiencies in infrastructure. Development proposals will as appropriate (1) deliver timely infrastructure, especially those forming part of the Local Plan implementation and delivery schedule.
- Policy CP7 Conserving and enhancing the natural environment – providing for green infrastructure:** The Council will work with partners and developers to ensure the protection, enhancement and delivery, as appropriate, of the Swale natural assets and green infrastructure network and its associated strategy.
- Policy CP8 Conserving and enhancing the historic environment:** Development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment.
- Policy DM6 Managing transport demand and impact:** Development proposals generating a significant amount of transport movements will be required to support their proposal with a Transport Assessment. The Highways Agency may also require a Transport Assessment if development is deemed to impact on the strategic road network. In assessing impacts on the highway network, development proposals will (amongst other things) integrate air quality management and environmental quality into the location and design to demonstrate that the proposals do not worsen air quality to an unacceptable degree.
- Policy DM14 General Development Criteria:** All development proposals will, as appropriate, accord with the policies and proposals of the Development Plan unless material considerations indicate otherwise; include sufficient information to enable the application to be determined; accord with adopted supplementary planning guidance; respond to constraints and opportunities posed from climate change; reflect the positive characteristics of the site and locality; conserve and enhance the natural built environments taking into account the desirability of sustaining and enhancing significant heritage assets; be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location; cause no significant harm to amenity and other sensitive uses or areas; provide an integrated landscape strategy; and achieve safe vehicular access, convenient routes for pedestrians and cyclists, enhanced public transport facilities, together with parking and servicing facilities.
- Policy DM19 Sustainable design and construction:** Development proposals will include measures to address and adapt to climate change in accordance with national planning policy and guidance and, where appropriate, will

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

incorporate the following: (a) use of materials and construction techniques which increase energy efficiency and reduce carbon emissions; (b) promotion of waste reduction, re-use and recycling during both construction and the lifetime of the development.

Policy DM21 Water, flooding and drainage: When considering the water-related, flooding and drainage implications of development, development proposals will (1) accord with national planning policy and planning practice guidance; (2) avoid inappropriate development in areas at risk of flooding and where development would increase flood risk elsewhere; (3) provide site specific flood risk assessments, as required, carried out to the satisfaction of the Environment Agency; (4) include where possible sustainable drainage systems; (5) integrate drainage measures within the planning and design of the project; (10) protect water quality, including safeguarding ground water source protection zones from pollution, to the satisfaction of the Environment Agency.

Policy DM24 Conserving and enhancing valued landscapes: Part B: Non-designated landscapes will be protected and enhanced and planning permission granted subject to the minimisation and mitigation of adverse landscape impacts; and where impacts remain that the social and economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area. Part C: The scale, layout, build and landscape design of development will be informed by landscape and visual impact assessment having regard to the Council's Urban Extension Landscape Capacity Study and Landscape Character and Biodiversity Appraisal SPD.

Policy DM25 The separation of settlements – Important Local Countryside Gaps: To retain the individual character and setting of settlements, the following Important Local Countryside Gaps are defined on the Proposals maps as gaps between Sittingbourne and the satellite villages of Bapchild, Rodmersham Green, Tunstall, Borden, Chestnut Street, Bobbing and Iwade.

Policy DM28 Biodiversity and geological conservation: Development proposals will conserve, enhance and extend biodiversity, provide net gains in biodiversity where possible and minimise any adverse impacts and compensate where impacts cannot be mitigated. Development proposals will be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development, especially where it is known or likely that development sites are used by species, and/or contain habitats, that are subject to UK or European law. Development proposals will provide, where possible, a net gain of biodiversity overall.

Policy IMP1 Implementation and Delivery Plan: The Council will work with developers and other public agencies to deliver the vision, objectives and strategy of the Local Plan [with Grovehurst Road Junction being specifically listed in the Infrastructure Delivery Plan].

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

Policy MU1 Land at north-west Sittingbourne: Land at north-west Sittingbourne will comprise a minimum of 1500 dwellings, community facilities, structural landscaping, and open space. Development proposals will: (7) be supported by a Transport Assessment...to determine the need and timing for improvements to the transport network and address the following: (a) the scale, nature and timing of interim improvements a Grovehurst Road/A249 junction and (g) have regard to the availability of land to the north of Swale Way already safeguarded for the remodelling of the A249/Grovehurst Road junction.

Policy A17 Iwade expansion: Planning permission will be granted for a minimum of 572 dwellings at Iwade, together with a new country park, landscape, ecological enhancements, and community facilities. Planning applications will be (7) supported by a Transport Assessment to determine the need and timing of improvements to the local and strategic transport networks, whilst addressing (d) the identification...for interim improvements (and subsequently for the remodelling) of the Grovehurst Interchange.

(iii) The **Minerals and Waste Local Plan 2013-30 (September 2020):**

Policy DM7 Safeguarding Mineral Resources: Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either: (1) the mineral is not of economic value or does not exist; or (2) that extraction of the mineral would not be viable or practicable; or (3) the mineral can be extracted satisfactorily prior to the non-minerals development taking place; or (4) the incompatible development is of a temporary nature and does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or (5) material considerations indicate that the need for the development overrides the presumption for mineral safeguarding; or (6) it constitutes development that is exempt from mineral safeguarding policy; or (7) it constitutes development on a site allocated in the adopted development plan where consideration of the above factors concluded that mineral resources will not be needlessly sterilised.

(iv) The **Swale Local Plan Review Infrastructure Delivery Plan (January 2021)** establishes what additional infrastructure and service needs are required to support the level of development proposed in the Swale Local Plan over the period to 2038. It is split into projects for social infrastructure, physical infrastructure, and green infrastructure; physical Infrastructure projects include transport projects. Paragraph 11.1.2 states "The road network in Swale is focused east/west along the M2/A2 corridor with the A249 and A251 providing the main north/south routes. Traffic and transport capacity issues are significant limitations of the existing network and at key junctions between the local and strategic highway network giving rise to capacity issues at peak hours, typically queuing from slip roads onto the main carriageway of the strategic road network (SRN)."

Paragraph 11.1.2.14 states that there are improvement schemes for three junctions on the A249, one of which is Grovehurst Road. It states:

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

A249 Grovehurst Road junction – the junction currently experiences significant/severe congestion and the remaining safety led capacity has been allocated to permitted developments. As such Highways England currently seek to restrict occupancy of developments that may be permitted until the completion and opening of the scheme to traffic. The improvement scheme would see the removal of the existing ‘dumb bell’ roundabout arrangement and construction of a new gyratory utilising the existing bridge together with a new bridge and extensions to the A249 slip roads, resolving the issue of traffic queuing from the slip roads onto the main carriageway at peak hours. Outline designs have been developed with construction anticipated to commence in 2022 with completion in March 2024. The scheme is Housing Infrastructure Fund (HIF) funded.

- (v) The **Local Transport Plan 4: Delivering Growth without Gridlock (2016-2031) (LTP4) (July 2017)** identifies transport priorities for the County, as well as emphasising the investment required to support growth. For the Swale district the LTP4 acknowledged that a corridor study of the A249 was required to define what improvements to the principal junctions (Grovehurst, Key Street and Bobbing) would be required to support the new allocations in the Local Plan, with the A249/Grovehurst Road Junction already identified in the [September 2015] Kent and Medway Growth Infrastructure Framework (GIF).
- (vi) The **South East Local Enterprise Partnership (SELEP) Growth Deal and Strategic Economic Plan (2014)** presented the growth deal and strategic economic plan for East Sussex, Essex, Kent, Medway, Southend and Thurrock, with the aim that by 2021 200,000 private sector jobs would be generated, 100,000 new homes completed and investment made to accelerate growth, jobs and homebuilding. For Sittingbourne and Sheppey it specifically refers to improvements to the Grovehurst Road junction to improve access to residential and commercial developments.

Other Material Considerations:

- 37. In addition to the considerations arising from the planning policy section above, local finance considerations are also material considerations for the determination of this application.
 - (i) The local finance consideration arising from s43 of the Localism Act 2011, Section 43 amends Section 70 of the Town and Country Planning Act 1990 (determination of applications for planning permission: general considerations) such that in the determination of a planning application, the local planning authority must have regard to:
 - (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations

Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown. In this case, the financial assistance is that arising from the award of a grant from the Ministry of Housing, Communities and Local Government (MHCLG) through the Housing Infrastructure Fund (HIF) [Note: MHCLG is now the Department for Levelling Up, Housing and Communities, DLUHC]. The Housing Infrastructure Fund was a scheme set up in 2017 to provide government funding to help ensure the right infrastructure was in place at the right time to unlock

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

housing development in the Country. KCC were awarded £38.1million in 2019 to undertake highway improvements at the A249 junctions at Grovehurst Road and Key Street. In deciding an application for planning permission where a local financial consideration is material, decision takers need to ensure that the reasons supporting the decision clearly state how the consideration has been taken into account and its connection to the development.

Consultations

38. The following consultee responses were received as a result of the consultation carried out in October 2021.

Swale Borough Council raise no objection to the application. They advise of Policy support for the highway works in the Bearing Fruits Local Plan 2031 contained in Policies CP2 (Promoting sustainable transport), CP6 (Community facilities and services to meet local needs), IMP1 (Implementation and Delivery Plan), MU1 (Land at north-west Sittingbourne) and A17 (Iwade Expansion). They note that the NPPF in general seeks to ensure that the necessary infrastructure is appropriately planned for. They also state that they have secured financial contributions through S106 agreements towards the junction improvement works through applications submitted as part of the allocated sites in Sittingbourne and Iwade. They note concerns raised about pedestrian access and urge that the best possible provision is made for this, to include consideration being given to the timings of controlled crossings to best assist pedestrian and cycle movement.

They conclude by stating that the Local Plan clearly sets out that these junction improvement works are required in order to facilitate planned growth within the Borough, and that they support the proposals, subject to relevant highway safety matters being considered acceptable.

Iwade Parish Council advise that they are concerned at the lack of access for pedestrians.

Bobbing Parish Council advise that they are concerned over the lack of access for pedestrians/cyclists.

National Highways (formerly Highways England) raise no objection subject to the imposition of a condition to ensure the development is carried out according to the submitted drawings and an informative stating that such works can only be undertaken within the scope of a legal agreement between the applicant and National Highways.

KCC Highways and Transportation Officer raises no objection subject to the imposition of conditions to secure a revised Construction Environmental Management Plan (CEMP), the submission of detailed design of all aspects of the junction, and the submission of stage 1 and 2 Road Safety Audits, along with an informative requiring the applicant to discuss with the KCC Highways Officers which construction option to choose.

Environment Agency (Kent Area) raise no objection to the application subject to the imposition of conditions to ensure that if contamination is found on site which has not been previously identified that no further development shall take place until a

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

remediation strategy has been agreed; and that no infiltration of surface water into the ground be permitted other than with the written permission of the County Planning Authority. They also require an informative to be included stating that only clean uncontaminated water should drain into the surface water drainage system.

Air Quality (WSP) raise no objection to the application and confirm the revised report for Air Quality is now acceptable.

Noise (WSP) have provided comments regarding the original and revised Noise Reports and recommend the imposition of conditions for the submission of calculations of potential vibration at receptors once the final construction methodology and equipment is known; and that the good practice measures outlined in the report be implemented to manage noise during construction

KCC Biodiversity Officer raises no objection subject to the imposition of conditions to secure a further water vole survey; the submission of a method statement for the protection of reptiles including a survey of the reptile receptor site; a review of the biodiversity method statement as a result of the reptile receptor site survey; the submission of a Construction Environmental Management Plan for Biodiversity to include the mitigation measures outlined in the Preliminary Ecological Management Appraisal; the submission of an Ecological Design Strategy to address the delivery of Biodiversity Net Gain for the site; and the submission of an Ecology and Landscape Management Plan.

Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscape, therefore raise no objection.

KCC Conservation Officer raises no objection as the scheme does not appear to affect the setting of any of the designated historic assets in the immediate vicinity, as the area of the road junction to be expanded is located sufficiently far away not to make a material impact.

KCC County Archaeological Officer raises no objection to the application subject to the imposition of a condition to secure an appropriate programme of archaeological evaluation and mitigation.

KCC Minerals & Waste Planning Policy Team advise they have no minerals or waste safeguarding objections to make regarding this proposal.

Lower Medway Internal Drainage Board - No response received.

KCC Flood and Water Management Officer raises no objection subject to the imposition of conditions to secure a detailed sustainable surface water drainage scheme and a verification report to be submitted prior to the development being brought into use.

UK Power Networks - No response received.

Network Rail Infrastructure Limited - No response received.

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

Local Member

39. The site straddles two County electoral divisions – Swale West and Sittingbourne North. The local County Member for Swale West, Mr Mike Baldock and the local County Member for Sittingbourne North, Mr Mike Dendor were both notified of the application on 21 October 2021. No written responses have been received.

Publicity

40. The application was publicised by the posting of 12 site notices and an advertisement in a local newspaper.

Representations

41. In response to the publicity, 1 letter of representation has been received. The letter raised objections to the proposed development and the key points can be summarised as follows:

- Impact of light and noise pollution on nearby residential property during construction period;
- Request sound and light pollution barrier be installed with planting in front to stop graffiti;
- Construction will impact birds and wildlife;
- Traffic lights will cause further noise due to braking and accelerating;
- Will impact outdoor use of the neighbouring property;
- Access bell mouth appears to be extended which will encourage more vehicles to stop and dump rubbish;
- Proposed signage would be unsightly close to the entrance to the neighbouring property;
- Impact on the future plans of owners of neighbouring property who would be unable to sell until all construction works completed;
- Suggest KCC purchase their home to overcome concerns.

Discussion

42. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 36 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. Section 70(2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The proposal therefore needs to be considered in the context of the Development Plan Policies, Government Guidance, local finance considerations and other material planning considerations arising from consultation and publicity.

43. This application is being reported for determination by the Planning Applications Committee due to the objection received to the scheme. In my opinion, the key material planning considerations in this particular case are the principle of development and the need for the junction improvements; the transport benefits and impacts of the scheme;

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

the visual impact of the scheme; the impact on amenity of nearby local residents; and the air quality and noise impacts arising from the scheme. In addition, consideration will be given to construction, biodiversity and ecology, flood risk and drainage, contamination, archaeology and minerals assessment.

Principle of Development and Need for Junction Improvements

44. The need for the proposed junction improvements at the A249/Grovehurst Road interchange dates back before the current Local Plan. In the 2014 South East Local Enterprise Partnership (SELEP) Growth Deal and Strategic Economic Plan the need for key investment to unlock growth in Sittingbourne was outlined, with specific reference being made to the need for improvements to the Grovehurst Junction on the A249. Now, the current Local Plan acknowledges that the junction improvements are required to facilitate the planned growth in the Borough and specific policy support for the works is provided in Policies MU1 and A17, whilst a general support for having the necessary infrastructure in place to allow growth is given in Policies ST5, CP2 and CP6.
45. The principle of the works is well established and Swale Borough Council have, in their consultee response, stated that they support the principle of the proposed junction improvement works. Furthermore they state that the planning application at 'Land at Great Grovehurst Farm' includes within its Section 106 agreement the provision of an area of land to be safeguarded to facilitate the improvement works to the junction as well as a funding contribution towards its delivery; whilst the planning application at 'Land North of Quinton Road' also includes a financial contribution towards the works within its draft S106 agreement which forms part of the resolution to grant permission.
46. In addition to the Local Plan, the requirement for improvements to the junction are identified in the County Council's Local Transport Plan 4: Delivering Growth without Gridlock (2017), and the Swale Local Plan Review Infrastructure Delivery Plan (January 2021). Furthermore, the NPPF (July 2021) states that transport issues should be considered from the earliest stages so that potential impacts of development on transport networks can be addressed. The current proposals seek to expand the capacity of the junction so that it can accommodate the planned growth of the Borough in accordance with this aim.

Funding – Localism Act

47. Whilst monetary matters are not usually a relevant material consideration in the determination of planning applications, in this case regard must be had to the finance considerations in relation to the Localism Act (2011) to ensure that you, as the Committee, have assessed all relevant material planning considerations in your decision making. Paragraph 143 of the Localism Act 2011, titled '*Applications for Planning Permission: Local Finance Considerations*' states that local planning authorities should have regard to local finance considerations as a material consideration where they are relevant to the application before them. Local finance considerations are thereafter defined as 'a grant or other financial assistance that has been, or will be, provided to a relevant authority by a Minister of the Crown.
48. The Housing Infrastructure Fund was a scheme set up in 2017 to provide up to £2.3 billion of government funding to help ensure the right infrastructure was in place at the right time to unlock housing development in the Country. This funding pot has

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

subsequently been increased. Kent County Council, prepared a successful bid for some of this funding to help deliver the key junction improvements on the A249 at Key Street and Grovehurst Road, and were awarded a grant of £38.1million in 2019.

49. The securing of the above funding for the sole purpose of delivering these junction improvements should, in this instance, be a material consideration in the determination of this application. The funding is awarded, subject to planning, on the basis that it would support the delivery of over 6000 homes in the period 2022-2032 identified in the adopted Swale Local Plan.

Transport Benefits and Impacts of the Scheme

50. The sole purpose of the proposed scheme is to provide transport benefits in the area. Road users often experience high volumes of traffic at the junction which can result in significant queueing and congestion particularly at peak hours in the morning and evening. The volume of traffic through the junction is expected to increase as a result of future housing growth set out in the Swale Borough Local Plan. Existing congestion levels are of such severity that both Kent County Council and Highways England have had to restrict new home occupations, therefore the current junction is considered to be a significant constraint on delivery of the Swale Local Plan. The junction improvements are therefore proposed to provide the road network capacity required to accommodate the increase in traffic volumes associated with future growth, improve road safety, reduce congestion and queueing, improve facilities for pedestrians and cyclists and address air quality issues.
51. The planning application was supported by the submission of a Transport Assessment (TA) which provided a baseline assessment of the existing junction and an operational assessment of the proposed junction design to assess whether it would be able to cope with the proposed level of population growth. The modelling (which was run in 2020 prior to the public consultation held in early 2021) used 2018 as the base year and then assesses the scenario of 2037 'Do Minimum' which retains the existing dumbbell junction, and then 2037 'Do Something' with the proposed junction design. The assessment demonstrates that overall in both the AM and PM peak periods, the 2037 'Do Something' scenario would result in the junction having capacity to accommodate additional flows, and reduce journey times, delays and queue lengths in comparison to the 2037 'Do Minimum' scenario.
52. The application documents and the TA have been considered by the County Council's Highways and Transportation Officer. In relation to the need for the scheme he states that the scheme has undergone extensive scrutiny during its process to qualify for funding through the Growth and Infrastructure Funding bid. Existing congestion; planned and committed growth; local planning policy; a lack of facilities for non-motorised access across the junction; and the consultation feedback all result in the Highway Authority being of the opinion that there is absolute justification for the scheme to be progressed at the earliest opportunity. He concurs with the modelling provided in the TA which considers growth up to 2037, which is the end of the emerging Swale Local Plan period, inclusive of all committed and Local Plan growth anticipated up to that date. He states that the modelling demonstrates that the proposed scheme would have sufficient capacity to facilitate all planned growth with reserve capacity. Conversely the 'Do Minimum' assessment demonstrates that the existing junction would

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

be unable to cater for demand and would result in unacceptable congestion and highway safety concern.

53. In terms of the junction design, he states that the design has evolved following considerations relating to modelling performance and from an earlier public consultation exercise. Other options originally considered to alleviate the traffic problems (through an optioneering exercise) included an amended dumbbell roundabout configuration or two signalised junctions, as well as the gyratory layout. He notes that all earlier considerations have been included in the design chosen, and the Highways Authority is satisfied that the additional bridge over the A249 with a standard gyratory, would be the optimum performing design choice. In addition, the design would conform to the requirements of guidance set out in the Design Manual for Roads and Bridges (DMRB) and the changes to the local highway network are considered to be appropriate to the Highway Authority.
54. The benefits of the junction improvements for motorised users has been demonstrated with the modelling described above. Non-motorised users would also, in my view, benefit from the scheme. At present there is a footpath across the existing bridge, however this is only 1.7-2m in width and proximity to the road makes it unattractive to use. In addition, the crossings over the south-bound on slip and north bound off slip (at the edge of the bridge) are uncontrolled and are not 'user friendly' for pedestrians, who need to be aware of traffic approaching from a number of directions or at speed. There are no formal cycle facilities through the existing junction layout. Under the proposed scheme there would be a dedicated 3m wide shared footway and cycleway alongside the junction, as described in paragraph 28. The shared cycle way and footpath would run along the new overbridge and link to improved provision on Grovehurst Road South and North and Swale Way. Toucan crossings would be provided to enable safe movement and to prioritise safe pedestrian and cycle crossing.
55. Whilst the concerns raised by Bobbing and Iwade Parish Council's about the lack of pedestrian and cycle access are noted, I consider the proposed facilities would in fact be a significant improvement over the existing situation. The current provision is unattractive and the junction may appear to be considered an impenetrable barrier and hence a reason not to walk or cycle but to take the car instead. Under the proposed scheme it is considered that walking and cycling would be a more attractive and safer option (due to the wider dedicated paths and the signal-controlled crossings) and it may therefore encourage a mode shift in the area. Swale Borough Council, in their response note that in supporting the scheme they also urge that the best possible provision be made to promote active travel options, to provide residents with choice and to mitigate against the negative impacts of traffic growth. It is considered that the proposed facilities would provide much improved access for residents as an alternative to the car.
56. The Highways and Transportation Officer states that the scheme is an absolute necessity to reduce congestion, improve highway safety and facilitate options for neighbouring residents to take up active travel modes. Any permission should however be subject to planning conditions which secure the submission of an updated Construction Environmental Management Plan (see details in paragraph 82 below); a condition to ensure the applicants submit a stage 1 and 2 Safety Audit for the approval of the Planning Authority; and that the details be submitted for approval of all roads, footways, retaining structures, embankments, carriageway gradients etc. prior to the commencement of development. Subject to these it is considered that the scheme is

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

acceptable in relation to transport benefits and impacts, and would accord with Policies CP2, CP6, DM6, DM14, MU1 and A17 of the Local Plan.

Visual Impact of the Scheme

57. In order to consider the visual impact of the scheme, the application was supported by the submission of a Landscape and Visual Appraisal Report. This document sets out the existing landscape character of the site area, which includes a study area of up to 2km from the site, to provide a 'landscape baseline' against which to assess the proposed junction improvements. The site comprises highway corridor landscape, which includes the A249 and slip roads, Grovehurst Road, Swale Way, the overbridge and dumbbell roundabout system. Vegetation within the site is limited to roadside verges of amenity grass and linear belts of woodland and woodland scrub which provide screening along the highway corridor. Within the immediate context of the site, there is a mixture of agricultural farmland, highway corridor infrastructure, small scale settlements and commerce, but also a number of isolated agricultural and residential buildings. In terms of the wider context setting, there is agricultural farmland, industrial land and existing highway and rail infrastructure (such as Sheppey Crossing and Kingsferry Bridge), along with recreational use associated with public rights of way, urban greenspace such as Milton Creek Country Park, and the riparian edge along the River Swale. The report also notes the allocations of land for housing and mixed-use development in the vicinity of the site. (It should be noted that any new planning applications relating to these allocations would take any visual impacts into account at their own design stage, including the current proposals.)
58. The report outlines the Landscape Character Areas applicable to the site and wider study area, and these include National Character Areas (NCAs) of the Greater Thames Estuary and the North Kent Plain, as well as Local Landscape Character Areas (LCAs) defined at a County level and those defined at the Swale Borough level. The study area does not contain any specific national statutory landscape designations such as National Park or Area of Outstanding Natural Beauty (AONB). The report gives an assessment of the site in relation to these LCA's and appraises the site as being of low landscape value by virtue of the land use as a highway corridor and the unmanaged and low quality landscape elements.
59. The Report provides an assessment of the proposed development by considering 13 key viewpoints with a 'Zone of Theoretical Visibility' (ZTV), which are located around the junction. The majority of the views are close-range and directly onto the site. There are some more distant views from road corridors outside the study area, but these are limited geographically and in the extent of the view. Glimpsed long range views of the site are generally seen within the urban context of the surrounding development of Kemsley, Iwade and Sittingbourne, where the junction is seen as small and indistinguishable, according to the assessment.
60. During construction of the junction improvements there would be an effect on the landscape character of the area due to machinery and plant operations, storage of materials and general construction activities. Construction impacts are, however, temporary in nature and would be managed by the CEMP. The assessment concludes that post construction (year 1 and year 15) compared to the existing baseline the effect would be classed as 'slight' as a result of the change in layout and inclusion of the second road bridge, but that the proposal would not be incongruous with the existing

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

highway infrastructure and that the effects on landscape character would be localised. It is also noted that mitigation planting after construction has been completed would soften the impact, and that this softening would increase over time as the planting matures.

61. It is considered that the Landscape and Visual Assessment gives a thorough appraisal of the landscape impacts of the scheme and my view is that the conclusions are sound. The new junction layout would be seen within the context of existing highway infrastructure and would not be dissimilar to other gyratory road layouts along the A249 and other major highway routes within Kent. There would be a slight visual impact compared to the existing, but it should also be noted that the existing baseline would also be changing over the next 10-15 years as the housing developments allocated in the Local Plan (which this junction improvement seeks to facilitate) come forward and therefore this scheme would also then be viewed in the context of this wider change to the surrounding area.
62. Landscape planting in association with the revised road layout is proposed as part of the planning application (as described in paragraph 30 above) which would soften the impact of the scheme and integrate it into the existing landscape. This would include the planting of fruit trees to reflect the Fruit Belt Landscape Character Area designation the site falls within. Subject to a condition to secure this planting within the first planting season after completion of the road scheme, the development is considered to be acceptable in terms of its landscape and visual impact and in accordance with Policies DM14 and DM24 of the Local Plan.

Impact on Residential Amenity

63. The proposal is for an alteration to the existing junction layout which requires development within the general area of the existing highway layout. The works would clearly enlarge the junction through the creation of the gyratory but this would simply be introducing highway features in an area where an existing junction is already established and operational. The traffic which the improved junction is needed to accommodate, would be created as a result of the allocated sites within the Local Plan and these works are a means to facilitate the movement of the traffic across, off and onto the A249 without the congestion that currently exists and which would inevitably get worse without the scheme improvements. This would provide an overall improvement to those local residents who use the junction on a daily basis as it would remove the congestion problems that currently exist. In addition, the proposed new pedestrian and cycle facilities would improve access for residents who did not want to travel by car, providing a safer route than currently exists. In general terms the impact of the development on wider residential properties is considered to be acceptable. The specific impacts of air quality and noise are addressed separately in the relevant sections below.
64. The closest property to the proposed junction works is located to the south of the A249 and accessed off Grovehurst Road South. It sits within the arc of Grovehurst Road and the southbound on-slip, at a lower level than the road. As set out in paragraph 41 the occupants of this property have objected to the planning application. They are concerned that the possible removal of trees and shrubbery would expose the house to additional noise and light pollution whilst the works are under construction. The existing trees within the arc of Grovehurst Road and the southbound on-slip are proposed to be retained (as shown on the landscape plan) and some additional species rich and

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

amenity grass planted. It is considered that this would maintain the existing outlook from the occupant's property. Construction impacts relating to noise and light pollution would be managed via the CEMP condition covering all construction works. The most significant changes to the junction are to the north and east of the existing layout and hence away from the occupant's property. Although there would be some small changes to the existing road in the vicinity of the access to their property along Grovehurst Road South, the general layout of the road would not be materially altered as it approaches the new gyratory layout and the changes to the south-bound on slip are very minor as described in paragraph 23. The alterations do not directly affect any access to the resident's property. Furthermore, under the proposed scheme the existing slip road lighting would be removed (as set out in paragraph 33) lessening any perceived lighting impact.

65. Although new signage is proposed at the approach to the new gyratory from Grovehurst Road South the signs would be angled towards the road and I consider are unlikely to be visible from within the property grounds. In addition the existing tree screening along the highway verge would also screen the signs to some degree. The objector's comments about braking and accelerating traffic and associated noise due to the use of traffic lights at the gyratory is noted, however no traffic lights are proposed at the junction of Grovehurst Road South with the gyratory roundabout (closest to their property) as shown on the diagram in paragraph 27. Whilst it is acknowledged that the occupants are likely to experience some disruption from construction works to the junction as a whole, it is considered that the works in the immediate vicinity of their property are limited.
66. The applicant (KCC) has been in discussions with the objectors to try and alleviate their concerns and although no mitigation has yet been agreed, they are discussing the potential for some form of acoustic fence being erected to minimise construction noise and lighting (despite issues relating to noise being within acceptable levels as set out in paragraphs 73-79 below). There are concerns that such a fence may lead to graffiti and have an adverse visual impact and therefore a solution has yet to be reached, but there is a commitment by KCC (as applicant) to continue to discuss potential mitigation for the construction period and/or in the long term.
67. In addition, the County Council has given careful consideration to the occupant's request that KCC purchase the property by way of compensation for that fact that the occupants felt they would not be able to attract a purchaser to sell the property or secure its market value due to the proposed junction improvements. Whilst the request was considered, the relevant criteria were not met. This matter has been dealt with outside of the planning application process as in planning terms it is considered that the scheme can be constructed without adverse impact to the amenities of the occupants of this property.

Air Quality

68. An Air Quality Assessment was undertaken in support of the application, given the potential for the scheme to cause air quality impacts at sensitive locations during the construction and operational phases. The Assessment was used to determine the baseline conditions and assess potential effects as a result of the scheme, in accordance with guidance in the Design Manual for Roads and Bridges (DMRB) and from the Institute of Air Quality Management (IAQM). The report was subsequently

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

updated to include revisions required by the County Council's Air Quality consultee and it is this revised version that is discussed below.

69. During the construction phase the report states that there is potential for air quality impacts as a result of fugitive dust emissions from demolition, excavation, earthworks, ground works, construction and trackout activities. Vehicle movements both on site and on the local roads also have the potential to result in the re-suspension of dust from haul roads and highway surfaces. The effects that could result from these activities on this project are annoyance due to dust soiling and the risk of health effects due to a significant exposure to PM₁₀ (Particulate Matter). The report states that the potential risk of dust soiling is high from earthworks and trackout and medium from demolition and construction. The potential risk of human health effects is low from earthworks, construction and trackout and negligible from demolition. The report also notes that the potential for impacts depends on the distance from the dust generating activity and receptor location. Risk was predicted based on the worst-case scenario of works being undertaken at the site boundary closest to each sensitive area, therefore the actual risk is likely to be lower than that predicted during the majority of the construction phase. The report provides a table of potential mitigation measures for fugitive dust emissions (Table 24), in accordance with the IAQM guidance, which have been adapted for the development site and should be incorporated into a Construction Environmental Management Plan (CEMP). Assuming these measures are implemented the report concludes that the residual impacts from all dust generating activities during construction are predicted to be *not significant* in accordance with the IAQM guidance.
70. During the operational phase there is potential for air quality impacts as a result of traffic exhaust emissions associated with variations to road geometry and associated locations of vehicle emissions. An assessment was therefore undertaken using dispersion modelling in order to quantify potential changes in pollutant concentrations at sensitive locations. The assessment considered 2019 as the verification year and 2024 with a Do Minimum scenario of not building the scheme and a 2024 Do Something scenario, with the scheme. Five sensitive receptor locations were used for the assessment, shown as blue stars the diagram below:



Receptors R1, R2 and R4 all lie on Grovehurst Road South, R3 is on Featherbed Lane to the west and R5 on Grovehurst Road North. It should be noted that for both the

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

construction assessment and operational assessment the report clarifies that there are no ecological receptors within the study assessment area therefore ecological impacts were not considered.

71. The report concludes that the impact on annual mean NO₂ and PM₁₀ concentrations as a result of the scheme were predicted to be *negligible* at all the sensitive receptor locations and therefore the operation of the scheme was considered to be *not significant* in accordance with the IAQM and DMRB guidance.
72. The County Council's Air Quality consultant has reviewed the revised report and has confirmed that there are no outstanding concerns and he concurs with the findings of the report regarding air quality. It is considered, however, that a condition should be imposed to ensure that the suggested construction mitigation measures are implemented and this should be incorporated into the revised CEMP, as set out in the recommendation section below.

Noise

73. A Noise Assessment was also undertaken in support of the application, to identify any significant effects and to identify management, mitigation, monitoring and evaluation measures where required. The methodology used in the assessment followed that described in the DMRB in relation to construction noise and operation. The construction noise study area included the closest sensitive receptors surrounding the scheme within a 300m boundary, whilst the operational noise study area has a 600m boundary from the site. The boundaries are shown below:



Construction Noise Study Area



Operational Noise Study Area

74. During daytime periods effects from construction activities and haul roads are predicted in the report to be minor/negligible, and as such construction activities for daytime periods are assessed as *not significant*. However, there would be some receptors which could have major or moderate adverse effects for evening, weekend or night time works, due to the need to undertake some works outside of peak travel times to maintain the operation of the junction. The construction noise effects of the

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

development during these periods would be assessed as *significant*. Noise impacts from construction traffic on public roads has been predicted as negligible, and therefore construction traffic is assessed as *not significant*. Based on this assessment the report states that mitigation measures are not required to reduce construction noise during the daytime periods. However, during the limited times when construction activities are required to take place during evening or night time periods, temporary acoustic barriers could be used along with other good practice measures to manage the effects of construction noise, which are set out in the report. These include (but are not limited to) phasing work activity so several noisy operations are not undertaken at once, fixed plant and equipment being contained within acoustic enclosures, silenced equipment used where possible, and good public relations being maintained with local residents. Such mitigation measures would need to be included within the revised CEMP. The report notes that the assessment considers a worst-case scenario and assuming the implementation of the specific night time mitigation measures the resulting noise levels would be *not significant*.

75. For operational noise the report considers the changes in daytime and night time road traffic noise levels at the opening of the proposed scheme by considering the 'do minimum' and 'do something' scenarios. It suggests that an increase in noise levels would be experienced by 16 dwellings in the daytime and 9 dwellings in the evening as a result of increased speeds along Grovehurst Road South due to the removal of congestion. However, the report states that none of the properties predicted to experience a moderate increase in short-term impacts would exceed the Significant Observed Adverse Effect Level (SOAEL) values (which is the level above which significant adverse effects on health and quality of life occur) during daytime or night time. It is also noted in the report that the congestion which is experienced on Grovehurst Road South in the 'Do Minimum' scenario which reduces traffic speeds and hence noise impact would in reality only occur for the relatively short period of rush hour each day. For much of the day it is anticipated that speeds at which the 'Do Something' scenario was modelled already occur and hence the noise experienced would not be dissimilar. The conclusion of the assessment on this effect is that the final operational significance on noise sensitive buildings is considered *not significant*.
76. Measures to mitigate and manage road noise (as identified in the DMRB) were considered in the report, despite the findings being *not significant*, but there is insufficient space for the inclusion of earth bunds or noise barriers. In addition the use of low road noise surfacing is only effective at relatively high vehicle speeds where tyre noise becomes the dominant source rather than engine noise, therefore such measures would not be effective on Grovehurst Road South.
77. Construction vibration was considered in the report as unlikely to have the potential to adversely affect noise sensitive receptors due to the piling technique using augured piles which result in significantly less vibration than driven piling techniques; due to the short duration of these works; and the distance between the abutments to the nearest receptors. Construction vibration was therefore scoped out of the report for further assessment. However, in response to comments received from the County Council's Noise consultant a commitment has been included in the suggested mitigation measures for construction which states that further calculations should be carried out to determine whether vibration is likely to be perceptible at any receptor once the final construction methodology is known. This would need to be included in the revised CEMP along with the other mitigation measures outlined above.

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

78. The County Council's Noise consultant has considered the revised report and updates made to it following his original comments last year. They welcome the additional mitigation measures for the construction period which have now been included and which can be secured through the CEMP condition. The extent of the study area was also questioned for operational traffic originally, but the agent has confirmed that there are no obvious alternative routes for traffic to take to avoid the A249 junction, therefore the likelihood of any local traffic redistribution as a result of the junction improvement scheme is low. As a result the focus for the assessment was limited to the 600m surrounding the vicinity of the junction.
79. It is acknowledged that there would be some residential properties which would experience an increase in noise at some points during the day once the scheme is operational (albeit not to a level which would have an adverse effect on health and quality of life) but the wider strategic benefit of the junction improvements needs to be weighed against this and in this context it is considered that the scheme is therefore acceptable.

Construction

80. As set out in paragraph 35 above, the construction programme aims to ensure that the works are well organised and delivered in a manner which minimises disruption and impact on the local highway network, residents, local businesses, pedestrians and cyclists. The application was supported by the submission of a 'Sustainable Design and Construction Statement', along with a Construction Environmental Management Plan (CEMP). The CEMP has been produced during the design stages of the scheme to demonstrate how the environment and sustainability impacts of the scheme would be managed at the construction stage. It specifies controls that would be implemented on site and provides a framework through which the environmental aims and objectives of the scheme would be proactively managed to maximise environmental compliance and sustainable performance when carrying out the physical works. The CEMP is a 'living' document which would be updated to include any requirements set out by consultees as a result of this planning application, should permission be granted, and then be regularly reviewed by the final Contractors throughout the construction phase.
81. The CEMP sets out the phases of construction which would be followed, and which are anticipated to take 18-24 months to complete. The phases of work are as set out below:

Phase 1:

- The temporary southbound side slip road
- New north bound slip road;
- The new structure abutments;
- Northbound A249 off slip offside carriageway;
- The offline sections of the Grovehurst north and south approaches;
- The offline sections of the Swale Way arm;
- New attenuation lagoons to the east and west of the A249 including enlargement of pond 5 adjacent to Nicholls land.

Phase 2:

- The new slip roads;

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

- The completed new structure;
- Adjustments to the existing Swale Way arm;
- The offline sections of the new gyratory to the east of the A249 following the completion of the attenuation lagoon in phase 1.

Phase 3:

- Reconfiguration of the existing dumb-bell roundabouts to gyratory layout;
- Southbound A249 off slip offside carriageway;
- Eastern side Landscaping inside the gyratory;
- Removal and landscaping of the temporary slip roads, existing Swale Way, existing Grovehurst Rd north and south carriageway areas.

Phase 4:

- Landscaping of the northbound A249 off slip carriageway;
- Landscaping and footways in the vicinity of Grovehurst Rd south arm;
- Final reconfiguration works for the existing dumbbell roundabouts to gyratory layout.

82. The County Council's Highways and Transportation Officer has considered the CEMP as submitted, and notes that some information that would usually be expected to be included is missing at this stage. However, they state that this can be addressed via a condition on any consent given which requires an updated CEMP to be submitted prior to the commencement of construction, to include routing of construction and delivery vehicles to and from the site; parking and turning areas for construction and delivery vehicles and site personnel; timing of deliveries; provision of wheel washing facilities; and details of the general approach to temporary traffic managements and signage. He also notes that the applicant has acknowledged that there would be a need to liaise with National Highways (formerly Highways England) in respect of other works planned on the M2 at Junction 5, which are along the same strategic corridor. Coordination is planned between the two authorities to reduce any times at which any works on live carriageways occur at similar times.
83. In addition to the requirement for an updated CEMP to be imposed on any consent given, the County Council's Highways and Transportation Officer has also requested an informative be added which requires the applicant to discuss with them the different scenarios suggested for the construction of the south bound off-slip. This would require each option to be tested through the County Council's County wide model, to ascertain which is the most appropriate to cause the least amount of disruption to the Bobbing and Key Street junctions. This has been included in the recommendation below.
84. Noisy works associated with the construction would take place within 'normal' working hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. However, due to the strategic nature of the junction in servicing the local area and the need to maintain traffic flow, it is likely that a small extent of works would need to take place overnight or across a full weekend.
85. In addition to the controls over the physical construction period, the submitted 'Sustainable Design and Construction Statement' highlights the key sustainable construction practices which would be incorporated into the design and construction of the development in accordance with current national best practice guidance and local policy. The report presents a high-level review of how sustainability elements,

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

particularly those identified as assessable in the Design Manual for Roads and Bridges (DMRB), have been addressed. The report therefore considered the following matters to ensure they have been addressed through the design of the junction and taken forward into the construction and operational stages:

- Material use
 - Population and human health
 - Climate change and resilience
 - Carbon
 - Traffic management
 - Noise and vibration
 - Air quality
 - Land requirements
 - Lighting
86. The report sets out a number of sustainable design solutions that have been implemented in the project which would reduce the overall use of resources and materials by the scheme, and therefore its embodied carbon footprint. These design changes include matching the vertical alignment of slip roads to reduce earthworks, removing the need for a temporary slip road during construction, retaining the existing bridge unaltered, using earth lined ponds and implementing a design footprint which is smaller in comparison to other junctions with similar traffic flows. The report concludes that there would not be any significant adverse material use, waste generation, access, air quality, traffic management, noise or lighting impacts as a result of the proposed works.
87. In terms of construction impacts it is considered that the development has taken into account sustainability in its design and that the Construction Environmental Management Plan, as updated through the suggested condition, would ensure that the construction impacts can be identified, reduced, mitigated and managed where required. As such the development is considered to accord with Policy DM19 (Sustainable Design and Construction) of the Local Plan.

Biodiversity and Ecology

88. A number of documents were submitted in support of this application in relation to ecology and biodiversity. These include a Preliminary Ecological Appraisal (PEA), a Report to Inform Habitats Regulations Assessment, Biodiversity Net Gain Assessment, Reptile Survey Report and Ornithology Impact Assessment. The PEA outlines a desk study which considered statutory and non-statutory conservation designations within 2km of the site, habitats and species of principal importance and the results of an Extended Phase 1 Habitat survey in September 2020, followed up with a further survey in May 2021. Protected species surveys relating to reptiles, breeding and wintering birds were also undertaken. Statutory nature conservation sites include the Swale Ramsar, 335m to the north-east of the site and the Medway Estuary and Marshes Ramsar SPA SSSI, 1640m to the north of the site. Non-statutory local wildlife sites include Village Park (583m north), Milton Creek (658m south-east) and Church Marshes (950m south-east). The PEA includes a list of species of principle importance within 2km of the site, which includes bats, water voles, hedgehogs, moths, butterflies, beetles,

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

other insects and spiders, birds, toads and Great Crested Newts. The habitats present around the junction are common and widespread habitats found across the UK.

89. The PEA concludes:

- that there would be no likely significant effects on the designated statutory conservation sites;
- that the design would not directly or indirectly impact the three non-designated local wildlife sites, but that implementing best practices to avoid the effects of dust on watercourses was recommended and could be covered within the CEMP;
- that hedgerow and tree removal should be in compliance with the Forestry Act and kept to a minimum;
- that a District Level Licence would be required in relation to Great Crested Newts;
- that the translocation of reptiles be undertaken;
- that a low level lighting scheme should be implemented during and after construction to avoid indirect disturbance to foraging and commuting bats;
- that negligible to low impacts to any badgers were anticipated provided a precautionary badger method of works was incorporated into the CEMP;
- that if clearance works occurred during the nest breeding season then a precautionary method of works should be in place and detailed in the CEMP;
- that water voles would not be directly or indirectly impacted;
- that no further action as required in relation to invertebrates, otter or hazel dormice and that a precautionary method of works for small mammals should be entailed in the CEMP.

90. The Report to Inform Habitats Regulations Assessment (HRA), having undertaken the Stage 1 Screening process, considers that the scheme would not give rise to any significant effects on nearby Natura 2000 and Ramsar Sites (The Swale Ramsar SPA, Medway Estuary and Marshes Ramsar SPA) either alone or in combination with other projects and plans. Consequently, it concludes that it is not necessary for any further stages of the HRA to be completed and the County Council concur with this view. The Biodiversity Net Gain Assessment calculates a 'gain' of less than 1% for the area habitat units with the creation of 2.39ha of species-rich grassland being the main contributing factor; and a small net gain of 6% for the linear habitat units due to the creation of native species-rich hedgerows within the design.

91. The County Council's Biodiversity Officer has considered all of the documents originally submitted along with additional details provided following a meeting with the applicant, in relation to water voles, reptiles, the CEMP, bat sensitive lighting and biodiversity net gain. A countersigned *Great Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate* has been submitted by the applicant and this confirms that Natural England considers the proposed development to be suitable for District Level Licensing (DLL) and that the Conservation payment would provide compensation for impacts to great crested newts. The Biodiversity Officer states that KCC does not need to further consider the potential impacts to great crested newts in the determination of the application, but as advised in the Natural England guidance for local planning authorities, best practice methods for site clearance should be followed by the applicant. She also notes that, whilst not an obligation, a District Level Licence allows the applicant to move great crested newts out of harm's way during construction.

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

92. The additional information provided by the applicant confirms that a reptile translocation is proposed prior to the commencement of construction works. The Iwade Nature Park is proposed as a reptile receptor site, for which habitat enhancements to increase the carrying capacity of the site would first be undertaken. The East of Iwade housing development is proposed to deliver a Country Park, the masterplan for which adjoins the Iwade Nature Park and the Biodiversity Officer is satisfied that this would provide suitable habitat for reptiles. However, the likely timescale for delivery of the country park raises concerns about the ability for translocated reptiles to disperse from Iwade Nature Park if there is an existing reptile population and resources become stretched. She therefore suggests that a reptile survey prior to/during the early part of the translocation may provide comfort over the number of reptiles present within Iwade Nature Park, but also ensure that if high numbers are present, more animals are not inappropriately translocated into the site and an alternative receptor site can be identified. This could be secured by condition, if planning permission is granted, and such a condition is included in the recommendation below.
93. Further details of the water vole survey have been provided to the County Council and given the historical presence of water voles in the area, a repeat survey is proposed to be undertaken in April and June 2022. The Biodiversity Officer advises that this should be secured by condition on any planning permission given, to ensure that a low density water vole population has not been overlooked. As agreed by the applicant, the final CEMP would incorporate measures to avoid and/or minimise the potential for all identified impacts, including to hedgehogs and harvest mice, and again this should be secured by planning condition.
94. The applicant provided the Biodiversity Officer with confirmation that the Preliminary Lighting Impact Assessment concluded that the lighting design is expected to minimise indirect impacts on foraging/commuting bats and is not expected to result in significant additional disturbance to bats compared to existing conditions. The Biodiversity Officer has suggested that if significant changes are made to the lighting within the final scheme then a further assessment of the lighting design's potential for ecological impacts is sought from the project ecologist prior to approval, and this precautionary approach can also be secured by condition.
95. Finally on the matter of Biodiversity Net Gain she notes that the net gains are slightly disappointing but that the ability to deliver a net gain, in addition to habitat creation and enhancements, is largely dependent on appropriate ongoing future management. The submission and implementation of an Ecology and Landscape Design and Management Plan should therefore be secured by condition if planning permission were to be granted to ensure that the net gains would be delivered. Subject to these matters being covered by the suggested conditions, no objection has been raised by the County Council Biodiversity Officer and the scheme is considered to have taken into account all relevant habitat and conservation legislation and be in accordance with Policy DM28 of the Local Plan.

Flood Risk and Drainage

96. The application was supported by the submission of a Flood Risk Assessment (FRA) and a further Technical Note - Drainage Strategy Addendum. The FRA sets out the existing drainage context in the area and confirms that the streams into which the existing highways drainage discharge fall within the control of KCC as Lead Local Flood

Construction of a new gyratory and ancillary works at A249 Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF - 21/505738/COUNTY (KCC/SW/0213/2021)

Authority up to a point a short distance upstream where they pass into the district of the Lower Medway Internal Drainage Board. The Report confirms that the EA's information shows that the two streams and land alongside the A249 are high enough to be secure from future tidal flooding, as are the attenuation basins. The site is entirely within Flood Zone 1 so is considered to be at low risk of flooding.

97. The FRA states that the proposed improvements to the junction would increase the drained area by approximately 0.4ha. The proposed drainage solution replicates the existing drainage patterns as far as possible and retains the existing drain links where appropriate to minimise the amount of new construction. The proposed drainage features are as set out in paragraph 31. The additional Drainage Strategy Addendum provides further information on the discharge rates from the basins which would ensure that the overall run-off discharge is acceptable for the local watercourses.
98. The County Council as Local Lead Flood Authority have considered the application and submitted documents and noted in their response that the applicant had previously undertaken a number of consultations with them prior to submitting the application to find an acceptable drainage solution. They acknowledge that the reduced peak flow rates as set out in the Addendum address the Lower Medway Internal Drainage Board comments which they provided to KCC as part of the pre-application discussions. They note that the draft CEMP includes consideration of construction impacts to surface water, and that best management practices are proposed to be implemented on site. They state that a plan for proposed erosion and sediment control measures should be included within this detailed drainage information in the CEMP, prior to development commencing, and this requirement could be covered within the revised CEMP which is being requested by condition for other matters.
99. As a result of the information submitted, KCC as Lead Local Flood Authority have confirmed that they have no objection to the application subject to the imposition of a condition which requires a detailed sustainable surface water drainage scheme for the site to be submitted for approval before development commences; and a further condition which requires a verification report to be submitted, demonstrating the drainage system is consistent with that which was approved, prior to the junction becoming operational. Subject to this the application is considered to accord with Policy DM21 of the Local Plan.

Contamination

100. The application was supported by the submission of 'Land Contamination & Agricultural Land and Soil Assessment' which aims to present a land quality statement to assess if land contamination is present at the site and if mitigation is required. It also summarises the impact on agricultural land and soils with regard to the scheme.
101. The report sets out that the potential historical sources of contamination, which include contaminants associated with historical agricultural use; the historic tile works (albeit noting that the construction of the A249 would likely have removed any sources of contamination); the railway and the Brick Works site approximately 150m to the east. It also considered geological setting, hydrology, hydrogeology, waste management and environmental issues. The report concludes that based on the preliminary risk assessment the site is considered to pose a low risk to human health and controlled waters and that no further assessment is considered to be warranted.

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

102. The Environment Agency (EA) have been consulted in relation to the application and have raised no objection to the scheme. They state however, that any consent should include a condition which ensures that if any contamination is found that had not been previously identified, then no further development would take place until a remediation strategy had been agreed with the County Planning Authority. They also advise that there should be no infiltration of surface water drainage into the ground without written permission from the County Planning Authority, and again this should be covered by condition. Both have been included in the recommendation below, along with an informative which states that only clean and uncontaminated water should drain to the surface water system.
103. In terms of the utilisation of Grade 1 agricultural land, the report concludes that the impact would be negligible in terms of agricultural operations. It states that there would be no significant impact on Grade 3a/3b agricultural operations and soils as the land take required for the scheme is just a small percentage of the whole area earmarked for future land requirements immediately adjacent and to the north of the Grovehurst Road junction improvement scheme. Topsoils and subsoils of the land to the south of the A249 are considered a high-quality resource for re-use in landscaping. The topsoils to the north of the junction are likely to be high to moderate quality resource, but the subsoils are likely to be of low quality for use in landscaping due to a high clay content. The report confirms that both subsoil and topsoil would be treated in accordance with Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
104. Subject to the imposition of the conditions and informative required by the EA as set out above, the scheme is considered to be acceptable in relation to contamination impacts.

Archaeology

105. The application was supported by the submission of a Cultural Heritage Statement which set out to identify the known heritage assets and archaeological potential within the site, and thus identifying the potential for impacts and constraints. The impact on the setting of designated heritage assets was also considered. A study area of 1km from the site was used – within that area 10 listed buildings were identified, nine Grade II and one Grade I, the Church of All Saints. There are no World Heritage Sites, Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields or Conservation Areas.
106. The planning submission and accompanying Heritage Statement has been considered by the County Council's Conservation Officer and Archaeological Officer. The closest listed building is the Grade II Great Grovehurst Farmhouse (on Grovehurst Road South), which is already seen within the context of the existing junction to the north. The Conservation Officer has stated that the proposed junction improvements do not appear to affect the setting of any of the designated heritage assets in the immediate vicinity, as the junction would be located sufficiently far away not to make a material impact.
107. The County Archaeological Officer states in his response that the Heritage Statement provides a good account of the archaeological findings in the area and close to the

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

site. Remains of pre-historic, Roman, medieval and post medieval have been found and there is a potential for remains of such date within the scheme area that may be affected by its construction. The report provides the following summary of the potential for undisturbed archaeological remains to survive within the footprint of the existing road and infrastructure within the site:

- High potential for palaeolithic and prehistoric remains in the north-eastern area of the Site and in the eastern area of the Site which has not yet been subject to archaeological mitigation. Remains of this date are likely to be considered to be of Medium sensitivity.
- Medium potential for Romano-British remains in the north-eastern portion of the Site and a Low potential for remains of this date elsewhere on the Site. Remains of this period are likely to be of Low-Medium sensitivity.
- Low potential for Early Historic remains to survive on the Site. There is currently only placename evidence for settlement in the study area in this period and therefore it is difficult to judge what sensitivity any Early Historic remains would have. Remains, if present, could be of Negligible to High sensitivity depending upon their nature, extent and condition.
- Medium potential for Medieval remains to survive in the north-eastern area of the Site and a Low potential for remains of this date to survive elsewhere on the Site. Medieval archaeological remains are likely to be agricultural in nature and would be considered to be of Negligible to Low sensitivity.
- Medium potential for post-medieval agricultural remains and a Low potential for any other type of post-medieval archaeological remains to survive. Agricultural remains of this date are likely to be of Negligible sensitivity.
- Low potential for modern remains to survive on the Site. There may be evidence of modern construction within the Site boundary although this would be of Negligible sensitivity.

108. The map below shows the areas of archaeological potential within the development footprint, taking into account the varied conditions of the site – those that have been relatively undisturbed other than through agriculture, whilst other areas have been affected by previous road and junction development and the development of the Nicholls Yard.

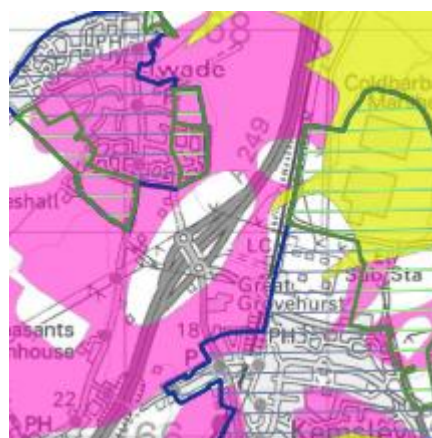


**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

109. Given the archaeological potential identified for the site and that this potential may be affected by the development proposals, the County Archaeological Officer agrees with the mitigation set out within Chapter 7 of the statement, that a programme of archaeological evaluation and mitigation should be required for this development. This could be secured via a condition on any consent given for the junction improvements, which would ensure that a scheme of archaeological field evaluation in accordance with a specification and written timetable to be agreed by the County Planning Authority, would need to be submitted prior to the commencement of development. Following on from the evaluation, any safeguarding measures to ensure any archaeological remains can be preserved in situ, or any further investigation/recording which is deemed necessary can also be agreed.
110. Subject to such a condition, no objection is raised in relation to the development on heritage grounds and the scheme is considered to accord with Policy CP8 of the Local Plan.

Minerals Assessment

111. The Minerals and Waste Local Plans Policy Team was consulted on the application due to the proposed highway works being coincident with a safeguarded mineral deposit, brickearth, as depicted on the Swale Borough Council Minerals Safeguarding Proposals map of the Kent Minerals and Waste Local Plan 2013-30 (as partially reviewed). They state that the application should normally include a Minerals Assessment (MA) to determine if the safeguarded mineral deposit is being needlessly sterilised, and if not whether an exemption to mineral safeguarding pursuant to Policy DM 7: Safeguarding Mineral Resources of the Kent Minerals and Waste Local Plan 2013-30 can be invoked. The exemption criteria for Policy DM7 are outlined in the policy section in paragraph 36 above, and criterion 1 states that permission will be granted where it is demonstrated that the mineral is not of economic value or does not exist.
112. The application only affects a relatively minor amount of this safeguarded mineral as demonstrated on the extract plan below, which shows the area of brickearth deposit in purple. As demonstrated the existing junction falls outside of the safeguarded area.



The Minerals and Waste Local Plans Policy Team have advised that due to the relatively minor amount that falls within the development site, it would not be economic

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

to prior extract. Therefore, they state, any Minerals Assessment would have been purely an academic exercise to demonstrate that exemption criterion 1 of Policy DM 7 would apply. No objection is therefore raised to the application on the grounds of minerals safeguarding.

Conclusion

113. This application proposes the construction of a revised Grovehurst Road junction by creating a new gyratory over the A249 south-east of Iwade to replace the existing dumbbell arrangement. It would increase the capacity of the junction and alleviate existing congestion problems, whilst facilitating the planned growth in the Borough as set out in the Local Plan. The proposal has given rise to a variety of planning issues including highway and transportation issues, landscape, visual amenity, noise and air quality, ecological matters, and general amenity concerns, along with the need for the development. These matters have been considered and addressed throughout this report and must be balanced against the strong strategic and policy support for the Grovehurst Road Junction improvements. Subject to planning permission the project stands to benefit from £38.1million of funding through the Housing Infrastructure Fund – a material consideration for the purpose of determining this application.
114. In determining development proposals, planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, and the NPPF states that proposals that accord with an up-to-date Local Plan should be approved without delay. The proposed development specifically meets the aims of guidance as set out in the 2014 South East Local Enterprise Partnership (SELEP) Growth Deal and Strategic Economic Plan, Policies MU1, A17, ST5, CP2 and CP6 of the Swale Borough Local Plan; the County Council's Local Transport Plan 4: Delivering Growth without Gridlock (2017); and the Swale Local Plan Review Infrastructure Delivery Plan (January 2021).
115. Having had due regard to the planning documents submitted as part of this application, the consultation responses received and representations made, I am of the opinion that the proposed development, subject to the conditions listed below, would not give rise to any overriding material harm, is acceptable and is otherwise in accordance with the general aims and objectives of the relevant Development Plan Policies and the guidance contained within the NPPF. I therefore recommend that planning permission be granted.

Recommendation

116. I RECOMMEND that PERMISSION BE GRANTED **SUBJECT TO** the imposition of conditions covering (amongst other matters) the following:
- 1) Development shall be begun within 3 years of the date of the permission.
 - 2) Development to be carried out in accordance with the submitted details.
 - 3) The development shall be constructed and opened to traffic in accordance with the Systra drawing no. 109617-dwg-101-01 Rev P05 (Proposed General Layout Arrangement) to ensure that the A249 continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act.

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

- 4) Prior to the commencement of the development, a revised Construction Environment Management Plan (CEMP) shall be submitted to the County Planning Authority for written approval, and development shall be carried out in accordance with this document. The CEMP shall include (in addition to that already covered) details of the scale, timing and mitigation of all construction related aspects of the development and include (but not limited to):
 - routing of construction and delivery vehicles to and from the site;
 - parking and turning areas for construction and delivery vehicles and site personnel;
 - timing of deliveries;
 - provision of wheel washing facilities;
 - details of the general approach to temporary traffic managements and signage;
 - working hours including arrangements for working outside of normal hours;
 - a plan for proposed erosion and sediment control measures within the detailed drainage section;
 - the modelling of construction scenarios for the southbound off slip;
 - the inclusion of potential mitigation measures for fugitive dust emissions during construction (table 24 of the revised Air Quality Report);
 - the inclusion of mitigation measures to manage the effects of construction noise during night time periods (as set out in the revised Noise Report)
 - the reassessment of potential construction vibration impacts for residential receptors once final construction methodology and equipment is confirmed.
- 5) Prior to the commencement of development, the submission of a Stage 1 and 2 Road Safety Audit for approval by the County Planning Authority in consultation with the Highway Authority.
- 6) Prior to the commencement of development details shall be submitted to and approved by the County Planning Authority of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining structures, service routes, surface water outfall, embankments, visibility splays, accesses, carriageway gradients, crossings, cycle paths and street furniture. The development shall be laid out and constructed in accordance with approved details.
- 7) If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority.
- 8) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written approval of the County Planning Authority.
- 9) No development shall take place until a scheme of archaeological field evaluation has been submitted to and approved in writing by the County Planning Authority.
- 10) Prior to the commencement of development, a sustainable surface water drainage scheme shall be submitted to and approved in writing by the County Planning Authority. The drainage scheme shall be based upon the submitted Drainage Strategy and Flood Risk Assessment with addendum (Systra October 2021) and shall demonstrate that the surface water generated by this development can be accommodated and disposed of without increase to flood risk on or off site.

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

- 11) The junction shall not become operational until a Verification Report, pertaining to the surface water drainage system, has been submitted to and approved in writing by the County Planning Authority.
- 12) No development shall commence until a further ecological survey for water voles has been undertaken to confirm if water voles are present and if so to identify any necessary mitigation measures.
- 13) No development shall commence until a method statement for the protection of reptiles during site clearance and construction works has been submitted to and approved by the County Planning Authority. The method statement shall also provide details of the reptile receptor site. Works shall be carried out in accordance with the approved details.
- 14) Following the method statement secured in (13) above the statement shall be reviewed to ensure the suitability of the reptile receptor site is sufficient to accommodate all the translocated reptiles, and if not that all translocation work be ceased until such time as a suitable alternative site has been secured. The details shall be submitted to and approved in writing by the County Planning Authority.
- 15) Prior to the commencement of development, a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the County Planning Authority.
- 16) Within 6 months of the planning permission being granted an Ecological Design Strategy (EDS) to address the delivery of Biodiversity Net Gain for the site shall be submitted to and approved in writing by the County Planning Authority.
- 17) Prior to the completion of the development an Ecology and Landscape Management Plan (ELMP) shall be submitted to and approved in writing by the County Planning Authority.
- 18) The development shall be carried out in accordance with the Preliminary Lighting Impact Assessment. Should any amendments be required to the lighting design a further assessment of the lighting design's potential for ecological impacts shall be undertaken by the project ecologist and the details shall be submitted to and approved in writing by the County Planning Authority prior to installation.
- 19) Within 3 months of the completion of the works, the temporary Staff Welfare Compound on Bramblefield Lane/ Sheppey Way shall be restored to its former condition.

Informatives

117. I FURTHER RECOMMEND that the following INFORMATIVES be added:

- 1) The applicant is reminded that only clean uncontaminated water should drain into the surface water system.
- 2) The applicant is advised to discuss construction options with the Highways Authority to ensure the most appropriate construction option is chosen for the southbound off slip based on discussion and modelling, as required by condition 4 for the revised CEMP.
- 3) The applicant should ensure that all necessary highway approvals and consents are obtained.
- 4) The applicant is reminded that those proposing works affecting the public highway are required to enter into an agreement with the Strategic Highway Authority (National Highways).

Item D1

**Construction of a new gyratory and ancillary works at A249
Grovehurst Road Junction, Sittingbourne, Kent ME10 2FF -
21/505738/COUNTY (KCC/SW/0213/2021)**

Case Officer: Mrs Helen Edwards

Tel. no: 03000 413366

Background Documents: see section heading

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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.

None

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.

- | | |
|-----------------|--|
| CA/19/1633/R8 | Details of how the development will enhance biodiversity pursuant to Condition 8 of planning permission CA/19/1633.
Former Chaucer Technology College, Spring Lane, Canterbury, Kent, CT1 1 ST
Decision: Approved |
| DA/19/1549/RVAR | Details of Tunnel Visualisation pursuant to conditions 2, 11 and 12 of planning permission DA/19/1549.
Bluewater Shopping Centre, Bluewater Parkway, Dartford, Greenhithe, Kent DA9 9ST
Decision: Approved |
| GR/19/951/RVARA | Details of a Verification Report pertaining to the surface water drainage system (Condition 11); and details of the conditions surveys of Meadow Road following completion of the development (Condition 19) pursuant to planning permission GR/19/951.
St Georges Church Of England School, Meadow Road, Gravesend, Kent, DA11 7LS
Decision: Approved |

E.1

- MA/21/501778/RVB Details of road markings and signage relating to Forstal Cottages (Condition 9); details of a remediation strategy associated with contamination of the site (Condition 10); details of piling and foundation design using penetrative methods (Condition 14); and details of a groundwater monitoring plan (Condition 15) pursuant to planning permission MA/21/501778.
County Transport Workshops, Forstal Road/Beddow Way, Aylesford, Kent
Decision: Approved
- MA/21/502002/R8 Details of an Archaeological Watching Brief pursuant to Condition 8 of planning permission MA/21/502002.
Maidstone Grammar School, Barton Road, Maidstone, Kent ME15 7BT
Decision: Approved
- MA/21/502002/R10 Details of a Construction Management Plan pursuant to Condition 10 of planning permission MA/21/502002.
Maidstone Grammar School, Barton Road, Maidstone, Kent ME15 7BT
Decision: Approved

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/GR/0024/2022 - Installation of a play area.
Shorne Woods Country Park, Brewers Road, Shorne, Gravesend, Kent DA12 3HX

KCC/SCR/SW/0038/2022 - Request for a Screening Opinion as to whether the proposed construction of a dry mixed recyclables (DMR) MRF facility, new site entrance and weighbridge, use of existing building for vehicle and plant workshop and HGV parking and bin storage area requires an Environmental Impact Assessment.
Morgan Sindall Site, Ridham Dock, Iwade, Sittingbourne, Kent ME9 8SR

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

None

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

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

Background Documents -

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

None

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SECTION F KCC RESPONSE TO CONSULTATION

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

KCC Response to Consultations

Reports to Planning Applications Committee on 16 March 2022.

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 EIA Scoping Opinion for a proposed development at Ebbsfleet Central, Ebbsfleet Valley, Kent (Ref: EDC/22/0005)

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

F2 Birchington Neighbourhood Plan (2021-2031) Consultation Draft - Regulation 16

Consultation County Council's response to Thanet District Council on the above

F3 Thanet Local Plan Update – Engagement (Discussion Papers and Evidence Base Documents)

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

F4 Land north and south of New Dover Road, Canterbury, extending north to Canterbury-Dover railway line, west to Nackington Road and south to A2 ('Mountfield Park' – South Canterbury) (Application Reference: CA/16/00600)

County Council's response to Canterbury City Council on the above

Background Documents: As set out in the report.

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Growth and Communities

Michael Jessop
The Observatory
Castle Hill Drive
Castle Hill
Ebbsfleet Valley
DA10 1EE

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

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

BY EMAIL ONLY

2 February 2022

Dear Michael,

Re: EIA Scoping Opinion for a proposed development at Ebbsfleet Central, Ebbsfleet Valley, Kent (Ref: EDC/22/0005)

Thank you for consulting Kent County Council (KCC) on the Scoping Opinion for the proposed mixed-use development comprising demolition of the existing car parking, structures, station forecourt, provision of residential (Use Class C3), flexible commercial, business and service uses (Use Class E) to allow provision of retail, offices, restaurants/cafes, nurseries and healthcare facilities, flexible learning and non-residential institutions (Class F1), flexible local community uses (Class F2), hotel use (Class C1), residential institutions (Class C2) and Sui Generis uses to allow provision of co-living and student accommodation, public houses/drinking establishments, theatres/cinema and associated works including hard and soft landscaping, a River Park, car parking, pedestrian, cycle and vehicular access and other ancillary infrastructure.

The County Council has reviewed the Environmental Impact Assessment (EIA) and Scoping Report and sets out its comments below, following the order of the report.

Chapter 5 – EIA Process

Heritage Conservation: Paragraph 5.11.3 provides a table of statements of competency for each technical chapter of the Scoping Report. The County Council recommends that the heritage consultancy will need to bring in additional expertise for specialist areas, such as palaeolithic archaeology and industrial heritage.

Chapter 6 Proposed Scope of the EIA

The County Council recommends that when considering cultural heritage matters, the applicant should consider and set out any potential benefits to heritage from the scheme and indicate where enhancement and/or interpretation of heritage assets can be achieved - increasing the public benefit of the development. This should be considered within the context of the wider heritage of the adjacent area, particularly the archaeological and geological assets within the Swanscombe Peninsula SSSI (Baker's Hole), the Neolithic sites within the Ebbsfleet floodplain, Springhead Roman site and Swanscombe Heritage Park. Opportunities should be identified to use the historic environment to help develop a sense of place for the development.

Chapter 7 – Socio-Economics

The County Council would welcome engagement to ensure necessary infrastructure is planned for, funded and delivered in a timely manner in support of the proposed growth.

In terms of adult education, the County Council is considering whether or not to include Adult Education service delivery from the proposed Lifelong Learning Centre at Ebbsfleet and would welcome engagement on this matter.

Chapter 8 – Transport, Movement and Access

Highways and Transportation: The Scoping Report proposes the inclusion of a Transport, Movement and Access Chapter and this is welcomed. This section should include an assessment of topics such as Severance, Driver Delay, Pedestrian Delay, Pedestrian and Cyclist Amenity, Fear and Intimidation, Accidents and Safety and Hazardous, Dangers of Abnormal Indivisible Loads, and should be developed in line with appropriate guidance.

The information contained within the EIA should be consistent with the Transport Assessment (TA) supporting the application in terms of matters such as traffic flow data, junction capacity assessments, mitigation proposals and crash data.

The extent of the highway network to be assessed within the TA (and therefore the ES) is still to be agreed with KCC and may extend past those links and junctions shown at figure 8.2. Likewise, additional 'committed developments' to be included in the future baseline and 'with development' assessments may need to be included within the TA (and therefore the ES).

At paragraph 8.6.4, the Scoping Report proposes to scope out the construction phase, however, the number of construction-related trips is not yet known and the type of vehicle will also be different to the proposed development trips. A Construction Management Plan will either be required to be submitted with an application, or be secured as a planning condition, at which stage the number of trips and routes to/from the site can be assessed.

Paragraph 8.7.18 refers to the assessment of public transport. In addition to junction capacity assessments, journey time information will be reviewed as part of the TA.

Public Rights of Way (PRoW): The County Council is keen to ensure that its interests are represented with respect to KCC's statutory duty to protect and improve Public Rights of Way (PRoW) in the County. KCC is committed to working in partnership with the applicant to achieve the aims contained within the Rights of Way Improvement Plan (ROWIP) and Strategic Statement for Kent. Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues and providing sustainable transport choices.

Public Rights of Way DS17, NU14 and NU7A are located within the site and would be directly affected by the proposed development. The locations of these paths are indicated in Appendix A. The existence of the Rights of Way is a material consideration.

This development will have an adverse impact on the PRoW network through increased use, loss of amenity and potential generation of traffic. Significant measures will need to be taken to help mitigate all these impacts and future proof sustainable Active Travel in both the development and the wider area. The proposal should seek a modal shift away from short car journeys and should focus on providing a sustainable development with active travel opportunities.

The County Council will also be seeking a financial contribution, in the form of Section 106 agreement funding, to mitigate the loss of amenity, increased use and subsequent surface improvements that will be required in the wider network as the area is developed. Contributions are likely to be sought towards:

- The upgrading of existing PRoW, as a means of providing walking and cycling between residential dwellings, education facilities, employment hubs and local amenities, to encourage active travel.
- The creation of new walking, cycling and equestrian routes that connect the site with the surrounding areas, providing opportunities for outdoor recreation.
- The provision of safe crossings points over the Thames Way for non-motorised PRoW users, to address safety concerns and improve network connectivity.

In consideration of Kent Design standards, any forthcoming masterplan should keep PRoW within overlooked areas of open space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PRoW network.

Chapter 11 – Biodiversity

Biodiversity: There are a number of active and pending planning applications within the proposed development area – therefore, KCC advises that there is a need for information submitted as part of the planning application and supporting documentation to ensure any mitigation proposed does not conflict with that being proposed under other planning applications. Given the number of developments in the area, there is a need to ensure that the development proposals do not contribute to the loss of ecological connectivity within the area.

Table 11.1 Ebbsfleet Central Ecological Baseline Summary

Biodiversity: The submitted information sets out that some surveys are ongoing (such as dormouse surveys) and there is a need for it to clearly set out if the lack of the completed surveys is a limitation to assessing the impact of the development. Confirmation is required as to when the outstanding survey results will be submitted to the Local Planning Authority.

The Scoping Report has assessed that the impact on bats will not be significant due to the low numbers recorded, but the proposal will result in a loss of foraging habitat and an increase in lighting. So, whilst the impact may not be considered to be significant on the bat population as a whole, the proposal will have an impact on bats. This impact needs to be fully considered.

Chapter 12 – Heritage and Archaeology

Heritage Conservation: As noted in the Scoping Report, the County Council has been engaging with the applicant and has had discussions with the applicant and heritage consultant and provided comments on an early draft Archaeological Desk-based Assessment in 2021. The County Council is also in dialogue with the relevant consultant about the nature of the specialist surveys that will support the revised assessment.

The County Council recommends that this section should be more appropriately named as Cultural Heritage or Historic Environment. Archaeology is generally considered to be part of heritage and it would be more productive to consider the historic environment holistically.

14.2 Baseline Conditions

Heritage Conservation: In respect of paragraph 14.2.2, the setting of heritage assets of archaeological interest should also be a consideration regarding study areas.

Regarding paragraph 14.2.4, it is noted that the Heritage Statement has only considered the built historic environment, rather than heritage as a whole. The Scoping Report should have included an assessment of the archaeological resource and other aspects of cultural heritage.

The County Council is pleased to see the intention to prepare specialist surveys in Palaeolithic archaeology, geoarchaeology and industrial heritage. The methodology and detailed scope of the surveys should be agreed with KCC Heritage Conservation. In addition, a specialist Historic Landscape Characterisation (HLC) should be undertaken. The current Kent-wide HLC is broad based and not suitable for use at an individual site level. More detailed characterisation should therefore be undertaken using a similar approach to that used in the Hoo Peninsula study. An appropriately qualified specialist will need to carry out the work.

Paragraph 14.2.5 notes the guidance by which the assessments undertaken will have consideration of Historic England's Guidance on Deposit Modelling should also be followed,

together with KCC's draft standard specification for geoarchaeological assessment, which can be provided upon request.

Paragraph 14.2.6 should also refer to the Greater Thames Archaeological Research Framework.

Baseline Description

Heritage Conservation: In paragraph 14.2.12, the Scoping Report should have included further information on the archaeological resource within the application site. Several archaeological investigations have been carried out within the area and important archaeological remains have been identified. The potential for non-designated heritage assets of archaeological interest, which are of equivalent significance to Scheduled Monuments, should have been noted within the Scoping Report. It is essential that the potential for such remains is thoroughly assessed in the EIA so that they can be considered during the design of the proposed development. It may be appropriate for field evaluation to be undertaken to clarify their significance before completion of the EIA. The desk-based assessment should be completed quickly so that the potential for important archaeological remains can be identified, and field evaluation undertaken if needed.

In respect of paragraph 14.2.13, the assessment for the historic environment chapter of the EIA and the supporting desk-based assessment should include a spatial understanding of the landscape context for heritage assets within a chronological framework, rather than considering individual heritage assets as separate entities. For example, the assessment should develop an understanding of the Neolithic landscape through deposit modelling and consider how Neolithic assets relate to that landscape context and to each other or to assets of other periods.

It has been helpful on other sites to produce Historic Environment Character Areas as part of the assessment process, which can be refined as new information and understanding is obtained through field evaluation. The production of a Historic Environment Character Area is therefore recommended.

14.4 Potential Significant Effects

Heritage Conservation: In respect of the conclusions reached in paragraph 14.4.5, the County Council considers that the Scoping Report has not adequately described the potential impact on archaeological assets within the site which are likely to have equivalent significance to scheduled monuments. The impact of the scheme on the waterlogged designated and equivalent significance Mesolithic and Neolithic sites within the Ebbsfleet flood plain should also be assessed. Where appropriate, monitoring of their condition should be undertaken.

14.6 Assessment Methodology

Heritage Conservation: Commentary regarding approaches to the historic environment and methodologies also apply to this section.

In respect of the paragraph 14.6.12, the importance of non-designated heritage assets to local communities should also be assessed. The contribution of such assets to a sense of place and sense of identity of an area should also be assessed.

KCC recommends that accepted criteria for assessing the significance of Palaeolithic sites should be used in addition to DCMS's principles of selection for scheduled monuments within Table 14.1: Determining the Heritage Significance of a Heritage Asset.

The County Council also recommends that Table 14.3 should be amended so that "High" magnitude impacts to heritage assets of Local Importance should be rated as "Moderate"; not "Minor" and "Medium" impacts on assets of local importance should be "Moderate/Minor".

It should also be noted that the original Ebbsfleet development Section 106 agreement made provision for an archaeological interpretation facility – a similar provision should be requested through this development. The developer should also be requested to contribute to the long-term deposition of the archaeological archive created as a result of the development through an appropriate box charge.

Chapter 13 – Water Environment

Sustainable Urban Drainage Systems: The content of Section 13.2.7 and Section 13.2.8 is noted. In Section 13.4, 'Potential Significant Effects' pollution risk to underlying groundwater aquifers is mentioned under the 'Operation' phase but under 'Demolition and Construction' the focus is on drainage systems / local watercourses and there is not enough attention given to groundwater pollution risks. Furthermore, Table 13.1: Significance Criteria specifically mentions "*Decline in surface water quality*" - this should include groundwater too. In Table 13.2 'Scoped In / Out Elements', there is currently no mention of groundwater – this is a serious omission. Therefore, KCC concludes that greater consideration needs to be given to the risks to groundwater

Kent County Council, as Lead Local Flood Authority, also notes that a site-specific Flood Risk Assessment will be undertaken for the site. The Scoping Report also states that sustainable drainage will be addressed through individual technical assessments. KCC would refer the applicant to the County Council's Drainage and Planning Policy Statement (Appendix B), which sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development. This Policy Statement should be referred to for further details about KCC submission requirements.

KCC is pleased to note that water resources are to be considered as part of the EIA and would highlight that the impact on the total water cycle needs to be assessed environmentally. The impacts on water supply may be significant although the approach to surface water management could have a positive impact to water supplies.

Chapter 15 – Topics not included in the EIA Scope

15.8 Minerals and Waste

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, provided direct comments to Ebbsfleet Development Corporation on 13 January 2022 (Appendix C)

Waste Management: The EIA Scoping Report proposes to scope out waste from the Environmental Statement for the reasons raised in paragraph 15.8.4. All waste generated by this development will be collected by the Waste Collection Authority (WCA) for the area (in this case Dartford and Gravesham Borough Councils) in accordance with their existing collection arrangements. Any different arrangements to collect waste (to increase recycling and reduce residual waste) are unlikely to be accommodated by the WCA for this proposed development alone. KCC, as Waste Disposal Authority (WDA), currently sends less than 2% of household waste to landfill. Disposal to landfill is the least favoured and final disposal option for Kent, and will continue to be resisted. On this basis, it is unclear how the users of the proposed development are not going to be significant producers of waste, or how there would be a resultant significant reduction in landfill capacity as stated in paragraphs 15.8.4 and 15.8.5. This needs further explanation, as there is likely to be a significant impact upon the existing overstretched waste service and therefore it is suggested it should be considered within the EIA.

Subsequent to the waste being collected by the WCA, it will then need to be brought by the individual refuse collection vehicles (RCVs) to a KCC Waste Transfer Station (WTS) facility for bulking up before onward transport to its final disposal destination. No mention of this is made in the short paragraphs included in the EIA Scoping Report. KCC would wish to make sure that the applicant is aware that the existing WTS infrastructure that serves this area is at capacity. Any additional waste brought about by this proposed development will require mitigation to ensure the waste disposal service is sustainable and not overwhelmed. This can only occur through the construction of an additional WTS facility. KCC is working in partnership with the Ebbsfleet Development Corporation Project Team to address this critical need; however, a site or funding has not been secured yet.

It is for these reasons that KCC, as Waste Disposal Authority, requests consideration of Waste in the main ES, supported by a robust and well-informed Waste Strategy. KCC Waste currently foresees a significant impact on its waste service that requires mitigation to be put in place.

Appendix E - Heritage Statement

2.3 Environmental Context

Paragraph 2.3.6

Heritage Conservation: The Scoping Report correctly states that there are no designated historic assets within the site; however, the Scoping Report has not considered whether non-

designated heritage assets of archaeological interest (which are of equivalent status to scheduled monuments) are present within the site. NPPF footnote 68 states that such assets should be considered subject to the policies for designated heritage assets. Previous work in the area of the site indicates that important Palaeolithic remains may be present within the site. There is also potential for archaeological remains, of similar significance to the scheduled Mesolithic and Neolithic sites which lie just outside the site, to be found. The potential for such heritage assets should have been noted as part of the scoping process.

2.4 Planning History

An Ebbsfleet Archaeological Framework was approved as part of the outline planning permissions DA96/00047 and GBC19960035 and a Proposed Archaeological Mitigation Strategy was agreed for Station Quarter North. These documents identified archaeological areas which have been further refined for the Palaeolithic period during the assessment for London Resort. These documents should be updated and refined further during the assessment process for Ebbsfleet Central. The approach to historic environment characterisation and iterative process of review used for other sites in the Ebbsfleet area, such as Ebbsfleet Green, should be followed for Ebbsfleet Central.

The County Council has not provided comment on the Built Historic Environment Heritage Statement and would recommend that the Development Corporation seeks specialist advice on the built historic environment and design implications of the proposals.

The County Council will continue to work closely with the Development Corporation to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with the Development Corporation and the applicant on the matters raised in this response.

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

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities

Enc.
Appendix A: Extract of 10K Network Map
Appendix B: KCC Drainage and Planning Policy Statement
Appendix C: KCC Minerals and Waste Planning Authority response.



Growth and Communities

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BY EMAIL ONLY

24 February 2022

Dear Sir/Madam,

Re: **Birchington Neighbourhood Plan (2021-2031) Consultation Draft - Regulation 16 Consultation**

Thank you for consulting Kent County Council (KCC) on the Birchington Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

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

Foreword by Councillor Neville Hudson, Chairman, Birchington Parish Council

County Council Community Infrastructure and Services: The Chairman's supportive stance on sustainable housing growth supported by adequate infrastructure is welcomed. The County Council wishes to emphasise the need to ensure sufficient flexibility for the use of developer contributions to support the delivery of County statutory services. Post-pandemic, many service providers are adapting their delivery methods to best meet the requirements of service users, which may not always be met through new physical infrastructure, such as buildings or facilities. It should be acknowledged that there may be some community needs that could be better met by directing resources via third party specialist providers.

1. Introduction and Executive Summary

Approving the Plan

The County Council, as Local Highway Authority and Lead Local Flood Authority, welcomes the incorporation within this document of much of the feedback provided by KCC during the

Regulation 14 consultation. In respect of the Highways and Transportation comments, whilst not all suggested amendments have been incorporated, the most salient policy points have either been addressed through revised policy wording or supporting text.

2. The Planning Framework

Overview

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority confirms that the Neighbourhood Plan area does not contain any safeguarded mineral deposits, nor any safeguarded mineral or waste facilitates and therefore KCC does not have any comments to make on this Neighbourhood Plan.

3. Brief History of the Parish of Birchington

Birchington today

PRoW: A section of the new England Coast Path, a new long-distance walking route that has been given National Trail status, follows the coast through the parish. This, and the Viking Coast Trail cycle route, is only once acknowledged within the Plan. However, the routes could deliver a diverse range of benefits to the community including recreation, healthy lifestyles, reduction of local road congestion, improved levels of local air pollution, and economic enhancement, through greater local promotion and establishment of suitable 'feeder' routes. The County Council supports improvements to walking and cycling routes and will, in partnership, support the Parish Council to improve the existing network and identify opportunities for further evolution, which could potentially be delivered through developer contributions.

5. Planning Policy Development and Application

The Policies

PRoW: PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PRoW network is in providing the means to realise many objectives of this Neighbourhood Plan, whether to access and appreciate landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion for economic benefit and improvement in air quality. Positive regard should be shown to the PRoW network and Active Travel throughout the Neighbourhood Plan's policies and objectives.

6. Sustainable Development

PRoW: Specific recognition of PRoW as a valuable component of Active Travel is recommended. The PRoW network is a key element of sustainability, so this section should include reference to the PRoW network, especially where new development can provide sustainable travel choices as realistic alternatives to short distance car journeys.

6.1 Conserving Village Character

Policy B2

Highways and Transportation: The County Council, as Local Highway Authority, is now satisfied that the proposed wording provides sufficient flexibility to avoid conflicting with potential future highway infrastructure.

6.2 Conserving Our Heritage

Objective 2

Heritage Conservation: The County Council is supportive of this objective. As the text in the section makes clear, Birchington contains numerous archaeological sites and historic buildings. Most of these are not designated as scheduled monuments or Listed Buildings and yet play a key role in the character of the parish. If this character is to be conserved and enhanced, it is essential that these assets are protected from unsympathetic or damaging development.

Footnote 1

Heritage Conservation: The note says that the Birchington Heritage Trust is collating a list of local heritage assets. The Kent Historic Environment Record (www.kent.gov.uk/HER) is an essential resource for information about Kent's heritage and should be consulted to inform the collation of the list. KCC would encourage the Trust to ensure that Birchington's archaeological and landscape assets are also included in the review and KCC would be happy to advise on this further. Furthermore, KCC would encourage the Parish Council to work with Thanet District Council on developing a formal List of Local Heritage Assets that will support the Parish Council's work.

Policy B3

Heritage Conservation: The County Council is supportive of this policy.

Policy B4

Heritage Conservation: The County Council is supportive of this policy. National Planning Policy Framework (NPPF) paragraph 201 presents the conditions that should be fulfilled before substantial damage to, or loss of, a designated asset should be permitted. Although Policy B4 concerns local heritage assets rather than designated assets, a similar approach should be taken.

Heritage Conservation: Although it is welcomed that the Parish Council has recognised the importance of Birchington's archaeological assets, it may not be possible to defend all archaeological assets, in all circumstances, in the way described in the text. The County Council recommends that the approach to archaeological assets, as described in the NPPF, is followed closely. In particular, developers must be required to be proactive in assessing the archaeological significance of assets that could be affected by their proposals and presenting

that assessment with their applications (NPPF paragraph 194). The County Council advises that this will include desk based assessment and perhaps field assessment in addition. The assessment process as described in NPPF paragraphs 195 to 197 should then be followed.

Policy B5

Heritage Conservation: The County Council is supportive of this policy.

Policy B6

Heritage Conservation: The County Council is supportive of this policy – however, recommends that the wording of the policy is amended to “At designated and non-designated archaeological sites of particular significance...”

6.4 Sustainable Utilities

Policy B8

Waste Management: The County Council, as Waste Disposal Authority, is pleased that much of the feedback provided at Regulation 14 has been noted and incorporated into the Regulation 16 submission regarding impact of development on waste infrastructure.

6.5 Developer Contributions

Biodiversity: The County Council recommends that reference is made to the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) contributions. As the parish is located very close to the Thanet Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (as raised within the County Council response to the Regulation 14 consultation), new developments will have to contribute to the North Kent SAMMS to ensure that new growth will not adversely affect the integrity of North Kent’s wildlife sites.

Policy B9

County Council Community Infrastructure and Services: Whilst the County Council acknowledges Policy B9 and Objective 5, it should be noted that parish priorities will need to be balanced against essential County Council statutory responsibilities and services.

The impact of any new development on county services will be assessed based upon mitigation measures that increase capacity in a local area for these services. Due to the ‘spoke’ delivery models used by some County services, it should be understood that it is not always appropriate, nor in the interests of users, to deliver county services through the closest specified community facility.

Heritage Conservation: The County Council has recently been successful in pursuing the provision for community heritage activities for major developments. These provide a good way for local people and new residents to explore the heritage of their area and help embed the new communities within existing social networks. KCC recommends that, where possible,

the Parish Council supports similar provisions for developments in Birchington. The County Council can advise on appropriate approaches to support this.

7. Natural Environment

7.1 Green and Open Spaces and the Coast

Biodiversity: Section 7 of the Plan states “Opportunities for a net gain in biodiversity should also be sought.” This appears to be the only mention of biodiversity net-gain. Now that the Environment Act has been passed, with secondary legislation being disseminated over the next two years, a measurable net-gain in biodiversity (a minimum of 10%) will be mandatory for the strategic housing development areas. Therefore, the wording should be strengthened to make clear this will be a requirement.

Paragraph 174 of the NPPF 2021 states that it expects plans to “*recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*”. The proposed replacement of ‘green space’ (mostly arable land within strategic development area) with hardstanding development will greatly diminish the ‘natural capital’ of the area, entailing more flooding/drought events, higher burden on health services, low agricultural output and poor water quality. If possible, some of the ‘green wedge’ areas should be planted up with native woodland, scrub and ruderal vegetation (or even wetlands) to offset some of this loss.

Policy B10

Highways and Transportation: The County Council as Local Highway Authority is now satisfied that the proposed wording provides sufficient flexibility to avoid conflicting with potential future highway infrastructure projects.

Policy B11

PRoW: Policy B11 should be strengthened by revising to ‘... and enjoyment of public open spaces including Public Rights of Way.’

8. Movement and Getting Around

Objective 7

PRoW: With regards to cycling, it is acknowledged that Policy B17 has been revised in line with KCC’s earlier consultation response; and it is recommended, for consistency, Objective 7 similarly references cycling.

Policy B17

Highways and Transportation: The County Council as Local Highway Authority is now satisfied that the proposed wording of this policy and supporting text provides sufficient flexibility and clarity over the retention and diversion of the PRoW network.

Policy B18

Highways and Transportation: The County Council as Local Highway Authority is pleased to see that commentary has been noted and modified text added to the policy is acceptable.

PRoW: The County Council recommends that this policy should specifically recognise the PRoW network as a local access network that delivers the policy ambition of safe local access and reduced use of vehicles.

9. Agriculture

Policy B19

Highways and Transportation: This policy wording is largely accepted, however the County Council as the Local Highway Authority would request that the policy wording is subject to a minor amendment to provide further clarity in relation to future transport based projects such as the A28 Birchington, Acol and Westgate-on-Sea Relief Road. KCC would recommend the following amendment: (Point 3): 3. there are no otherwise suitable sites available to facilitate the provision of essential public infrastructure to meet the requirements of the Local Plan and/or relevant Local Transport Policy.

10. Housing

10.1 Housing Quantity, Allocation, Tenure and Affordability

PRoW: The County Council recommends that this chapter should show commitment to encouraging modal shift from short car journeys to Active Travel using the existing PRoW network or new paths that could be secured through development proposals. This section could additionally state the aim to secure funding to preserve and improve highly regarded PRoW links as well as ensuring these are not degraded by development.

Policies B21 and B22

County Council Community and Infrastructure Services: Affordable housing requirements must be considered alongside other key infrastructure requirements needed to mitigate the impact of development. The County Council supports new developments of mixed dwelling types and homes to suit a range of needs in the community. Any housing needs assessment should include specialist housing for the elderly and vulnerable adults with learning and physical requirements.

The County Council would also request a universal requirement that new homes are built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2).

The Department for Levelling Up, Housing and Communities identified in June 2019 guidance *Housing for older and disabled people*, the need to provide housing for older and disabled persons is critical. Accessible and adaptable housing enables people to live more independently and safely, providing safe and convenient homes with suitable circulation space, bathrooms, and kitchens. KCC requests these dwellings are built to Building Reg Part

M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

11. Economic Development

Policy B24

PRoW: It is recommended the Neighbourhood Plan references the PRoW network as a means to support local tourism.

12. Public Services: Health, Social Care and Education

12.1 Health and Social Care

Public Health: The County Council is pleased to see that information has been included around the demographics of the population of Birchington, including the high percentage of people with a limiting long-term illness or disability, the high percentage of individuals over 65 and the differences in health indicators between Birchington North and South. The County Council recommends that emphasis of these demographics should be reflected in the policies and objectives throughout the Neighbourhood Plan to ensure residents needs are supported and inequalities not inadvertently widened. Through the identification in the Neighbourhood Plan, this can provide justification for policy emphasis including improvements to public realm.

Policy B28

County Council Community and Infrastructure Services: The County Council welcomes the aims of Objective 12: Health and Social Care: To support development of facilities that help to sustain, improve and enhance residents' access to health, social and long-term care facilities, and Policy B28.

The County Council would emphasise the changing nature of post-pandemic adult social care needs which may not be met by the provision of physical buildings/facilities alone. Services continue to evolve to meet changing client demand and with regard to section 106 contributions there are currently five priority areas to increase capacity as identified by KCC adult social care:

- Assistive technology and home adaptation equipment – to enable people to continue to live independently.
- Specialist Housing – Adult Social Care will purchase nomination rights from registered housing providers.
- Adaptations and improvements to existing community facilities to enable all to be able to access these.
- Provision of sensory facilities.
- Provision of changing place facilities to enable those with profound physical and mental health issues (and their carers) to remain active and as independent as possible.

12.2 Education

Policy B30

County Council Community and Infrastructure Services: Any new development coming forward in Birchington will include a detailed education assessment in order to ensure that sufficient school places are provided for the forecast additional pupils.

The County Council supports the provision of community-wide education ‘establishments’ and facilities (Objective 13). In respect of Policy B30, as noted in the Neighbourhood Plan, decisions to incorporate facilities for use by the wider community outside operating hours will tend to rest with the independent Academy Trusts that manage the schools. Nevertheless, KCC recognises that this policy could enable an additional income stream for schools and is supportive of proposals that accommodate community sports facilities (such as badminton courts) as part of new planned two form entry primary schools in Thanet.

In terms of Adult Education, KCC’s Community Learning and Skills service focus for infrastructure in Thanet is based upon the two predominant factors influencing the delivery of education and training - namely the pandemic and migration within local and wider communities. Both factors present barriers to engagement and the service now has effective alternative methods of delivery to enable equality of opportunity to the most vulnerable in society:

- Pandemic – remote on-line learning.
- Migration – The purchase and distribution of loan IT hardware (laptops) and appropriate software to those socially and financially disadvantaged.

Given the above, with any development contributions gathered in Birchington, the Community, Learning and Skills service would have consideration of the following:

- Utilisation of the funds to increase its capability and quality of on-line delivery of education and training so it is accessible to all.
- Increase stock of hardware and software (including licencing) to assist with the education, training, and social integration of migrants within the geographical area.

Policy B31

County Council Community and Infrastructure Services: Policy B31 acknowledges redundant facilities might be disposed of and KCC welcomes the inclusion of this. With reference to these priority areas, KCC will seek to utilise section 106 monies to support the provision or re-purposing of facilities/buildings local to the development if these facilities support the delivery of KCC adult social care services and there is a demonstrated need.

13. Leisure and Recreation

Policy B32

County Council Community and Infrastructure Services: This section recognises the gap in leisure and recreational facilities for the whole community and this is supported through the

Community Aspiration and Objective 14. However, the County Council would not support the ring-fencing of all section 106 county community services contributions for a single community facility, which might not provide the most appropriate support for the community requirement in question at the time of need.

With regards young people and teenagers, Thanet Youth Service supports the wellbeing of young people through youth outreach work which is delivered by KCC via a central 'hub' and outreach 'spoke' model. Thanet's Youth Services hub requires upgrading and contributions from new development sites in Birchington will be utilised towards both outreach services locally and towards the central youth hub improvements where local participants attend.

14. Strategic Sites Allocated for Development in the Development Plan 2020

Policy B36

Highways and Transportation: The County Council as Local Highway Authority is satisfied that the wording of this policy is effective.

Policy B37

County Council Community and Infrastructure Services: The County Council welcomes the inclusion of Policy B37, which supports KCC's aspiration for a new 2 form entry primary school at Birchington to mitigate the impact of proposed housing growth. The concerns in point 15 are noted regarding the location of the new school and the Parish Council is advised that KCC, as Local Highway Authority, will address highway access and safety when assessing the proposed primary school site.

In respect of the proposed housing development in Birchington, KCC has assessed the impact of the proposed development on other county services as detailed below:

- Primary education, as well as early years nursery provision – through the provision of a new on-site 2FE primary school and nursery (see comments on Policy B30).
- Special Educational Needs (SEN) provision – through planned expansion at specific schools (Garlinge Primary being the closest project to this strategic site).
- Secondary education – through the delivery of a new Thanet secondary school or the provision of additional secondary places within the Thanet District non-selective and selective planning group.
- Social care – five key priority areas and/or identified county projects local to the development site.
- Adult education – through the improvement of existing facilities locally and by extending adult education classes into the community (see comments on Policy B30).
- Youth services – through targeted outreach services according to need (see comments on Policy B32).
- Libraries – improvements at Birchington Library.
- Waste processing – through the Margate HWRC expansion project.
- High speed broadband for all new dwellings.

16. Summary and Conclusions

County Council Community Infrastructure and Services: The County Council welcomes reference to the demands arising from development on waste management infrastructure and would recommend this is also referred to in Section 14.

17. Action Plan – Implementation, Monitoring and Review of the Plan

PRoW: KCC welcomes working in partnership with the Parish Council to achieve the Plan's aims and to enhance the local PRoW network for the benefit of residents and visitors. It is requested that within the Action Plan, given the legalities involved in changes to the PRoW network and possibly the need to establish links with neighbouring parishes, KCC is recognised as needing to be directly involved in future discussions regarding projects that will affect the PRoW network. KCC can then advise on the design and delivery and potential funding sources for these projects.

Appendix

Part A Summary of Supporting Evidence

Movement & Getting Around

n) Policy B18

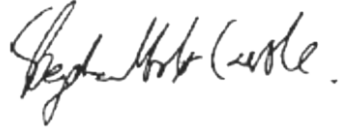
PRoW: The term 'Active Travel' is only mentioned in the Supporting Evidence section, specifically under Policy B18. The positive advantages for individuals and communities from Active Travel are inferred, indeed sought, through much of the Plan; yet to clearly state the ambition to encourage and support Active Travel would serve to increase its profile and thereby recognition by designers of future developments, also being given greater weight by Thanet District Council (TDC) in determining future planning applications. Acknowledgement of Active Travel within Objective 3 (Climate Change) (p35), Policy B9 (Developer Contributions) (p39), Policy B28 (Health and Social Care) (p59), and Policy B32 (Leisure and Recreation) (p63) is recommended to enhance the Plan.

Part D References to Other Supporting Documents and Sources of Information

PRoW: The County Council recognises that enhancements and expansion to the existing PRoW network achieved at comparatively small cost. A significant source of funding of access improvements could be through developer obligations. The Parish Council is encouraged to prepare and routinely review a list of off-road access enhancements it would like to see delivered around the parish, which could then be readily used to demonstrate need and therefore reason to support through developer contributions when opportunities arise.

KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Holt-Castle'.

Stephanie Holt-Castle
Director for Growth and Communities

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 Thanet District Council
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Growth and Communities

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BY EMAIL ONLY

9 February 2022

Dear Sir/Madam,

Re: Thanet Local Plan Update – Engagement (Discussion Papers and Evidence Base Documents)

Thank you for providing Kent County Council (KCC) with the opportunity to comment on the published Discussion Papers and Evidence Base Documents.

The County Council has reviewed the consultation documents and would like to raise the following comments for consideration, as you progress the review of the Thanet Local Plan.

Discussion Paper - Development Strategy

The County Council recognises the importance of the Local Plan in establishing the framework for sustainable development within Thanet and has been supportive of the strategic approach to growth that Thanet District Council has taken within the adopted Local Plan. KCC notes that the Housing Needs Update indicates a total housing need of 21,000 dwellings up to 2040 (1,085 dwellings a year), which means that an update of the Local Plan will need to identify a sufficient number of sites to accommodate an additional 4,000 – 4,500 dwellings.

The County Council notes the opportunities being progressed through the delivery of key infrastructure such as Thanet Parkway and will look to work closely with the District Council as it considers its future development strategy, to ensure that necessary infrastructure is planned for, funded and delivered in a timely manner, ahead of housing growth, where necessary. The County Council is a keen advocate of an “Infrastructure First” approach to growth – this approach requires close collaboration between key partners from the outset.

Highways and Transportation: The proposed methodology of maximising development within built up areas, towns and villages does also need to be considered within the context of other key planning issues and constraints (including highway and transport matters). The sustainability of all sites (that would include transport, access and viability considerations)

should be a key consideration of the Local Plan. Some previously developed (brownfield) sites can prove to be unviable to deliver new housing, which in turn can impact on the ability of such sites to provide necessary funding toward key infrastructure that is essential if sites are to be adequately mitigated. This includes mitigation of traffic impacts on the local/wider transport network, as outlined within an Infrastructure Delivery Plan (IDP). Therefore, consideration should be given to the ability of such sites being able to appropriately mitigate their impacts, whilst remaining financially viable.

Focusing on built up areas, towns and villages is a sensible approach for the strategy to take, as typically these locations can provide access to existing local amenities, services and transport links. However, not all villages in Thanet have the full range of services and associated transport links (including active travel opportunities and public transport connectivity) and this will affect the sustainability of some sites. Sites should therefore continue to be assessed on a case-by-case basis. The existing road and footway links in some villages are geometrically constrained by historic geography and should be given appropriate weight when balancing the merits of a given development site or option.

The County Council as the Local Highway Authority is aware that the “Call for Sites” process has been reopened and would welcome the opportunity to discuss future development options and feed into associated assessment processes in due course, once site availability is fully understood.

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure that its interests are represented within the local policy frameworks of the districts and boroughs in Kent. KCC is committed to working in partnership with Thanet District Council to achieve the aims contained within the County Council’s Rights of Way Improvement Plan (ROWIP). The County Council’s ROWIP should be evidenced within the Local Plan, as it is a strategic and statutory policy document for PRoW protection and enhancement.

KCC is keen to promote the protection and enhancement of the network and local planning policy support is very helpful in protecting the network and negotiating enhancements to it, through new development.

KCC is committed to securing enhancements to the whole network of routes and paths available to the public, of which the PRoW network is an important, but not exhaustive, part. KCC looks forward to working with Thanet District Council to build upon the countryside access assets already identified.

Provision and Delivery of County Council Community Services and Facilities: For all new residential development as specified in the National Planning Policy Framework (NPPF)¹, mitigation will be required for primary, secondary and Special Educational Needs (SEND) education, community services (library, adult education and youth service), social care and waste.

¹ “(i) the number of dwelling houses to be provided is 10 or more; or
(ii) the development is to be carried out on a site having an area of 0.5 hectares or more”

Appendix A provides an initial view of the required county infrastructure mitigation for the additional 4,000 – 4,500 dwellings proposed. Continued engagement between the District Council and County Council would be welcomed in respect of planning and delivery of growth and infrastructure in the district.

It is recognised that the primary focus for development within the adopted Local Plan is the delivery of strategic sites (policies SP15-21), as well as within villages within Thanet, primarily in Minster, with limited development at Cliffsend, Monkton and St Nicholas. It should be noted that new primary schools will be required for proposed and approved development at strategic sites, including:

- Westwood Cross (SP19)
- Westwood Village (SP20)
- Manston Green (SP15)
- Birchington (SP16)
- Westgate (SP17)
- Humbers Mill – Land at Manston Court Road/Haine Road) (SP18)

Primary school expansion is limited at Minster and Monkton and will be supported by contributions to the new Manston Green Primary School with a contingency project. Highway access/parking can often be an issue and will require liaison between KCC as Education Planning Authority and as Local Highway Authority to establish whether expansion of existing schools and/or new schools can be accommodated.

KCC would welcome engagement as any future development strategy is progressed, especially if alternative locations for development are proposed, so that KCC can assess the impact of growth and whether existing services can be enlarged to accommodate growth, or whether new infrastructure will be required.

If a new settlement is proposed as an option for housing growth, it will require a detailed assessment of the impact on all County services and facilities, as well as a detailed assessment of primary and secondary need, and will likely require at least one new 2FE primary school at 2.05 ha, as well as potentially, a secondary school site of 12 ha.

Waste Management: The County Council, as Waste Disposal Authority, considers that the adopted Local Plan development strategy is appropriate to meet the needs of residents in terms of waste. The Margate Household Waste and Recycling Centre (HWRC) is well located to serve residents of Thanet, with plans for expansion to meet future demands.

Culture and Creative Economy: The role of culture in placemaking should be considered as the growth strategy develops and consideration of the [Town and County Planning Association - That Word Art! Putting Art Back into Planning; A Practical Guide for Councils](#) is recommended.

It will be important to consider how residents living in new and existing developments access cultural infrastructure and activity in cultural-hub facilities – such as regional theatres, cinemas, music venues, galleries and art centres. Daytime activities and the night-time

economy can bring people together and create vibrant places to live. Incorporating policies to create multifunctional community and cultural spaces can be beneficial, as can a Cultural Strategy.

The Local Plan Review should include consideration of the provision for ongoing growth in homeworking and the freelance economy. While this is not unique to the creative industries, it is a significant feature with the majority of workers employed as freelance. Future developments should offer flexible / co-working spaces and facilities to support homeworking, including digital connectivity.

Discussion Paper - Employment Need

Highways and Transportation: The figures stated within this paper are noted by KCC as the Local Highway Authority. However, consideration is needed as to whether the additional employment spaces are seeking to simply address the district's own employment requirements or meet the needs of adjacent districts. The latter could have an impact on the level of traffic/trip growth/migration that would not be accounted for within trips associated with Thanet housing allocations. If significant inward migration of jobs is forecast from people who live outside the district, then subsequent allowances will need to be made within any Transport Impact Appraisal for the Local Plan to account for inbound trips. Consideration will also be required for new Thanet residents who travel to neighbouring districts for work. Any new significant employment allocations could have a bearing on the distribution of existing trips within the local highway network.

Culture and Creative Economy: The South East Local Enterprise Partnership (SELEP) Creative Workspace Masterplan is currently being developed, which will guide future creative industry workspace development across the SELEP region. The deadline for delivery of the report is 31 March 2022 and KCC will ensure it is shared with the District Council.

The Employment Density Guide (3rd edition) 2015 referred to in the Discussion Paper was amended to take into consideration freelancers and portfolio workers, but could not have anticipated the impact of the pandemic and the move to homeworking. The need for more local, flexible space will require further investigation. In Margate, where there is a commitment to encourage creative industries growth, the workspace requirements for the sector should be considered within the Local Plan Review. The research for the Margate Land Trust identifies the exact amount of floorspace required for creative industries – this research is available upon request.

The Employment Table (published by KCC) referenced in the Discussion Paper does not explicitly consider growth sectors such as creative industries – instead, they sit between "Information & Communications" and "Arts, Entertainment & Recreation" sectors. Paragraph 7 recognises that growth sectors like the creative industries have not been adequately captured, neither has home working. Further research using the Digital, Culture, Media and Sport (DCMS) sic codes for creative industries would update this in respect of explicit consideration of the creative industries.

The County Council welcomes the priority given to the creative industry within the [Economic Development in Thanet \(Employment Land Update and Economic Needs Assessment\) July](#)

[2018](#), and the commitment to cultivating the creative industries across Thanet. The County Council would recommend consideration of the potential for further primary research to ensure that the Local Plan Review captures the growth needs of the creative industry sector – who do not always access traditional business networks, such as Locate in Kent and the Chambers of Commerce. Updates should include recent developments like the Margate Town Deal, the setting up of a land trust to support creative workspace and the loss of critical creative industry employment space (e.g. Resort Studios).

Consideration should also be had for creative practice and businesses who have a diverse workspace need – it is noted that some subsectors needs are being met by the repurposing of former industrial space. Redundant retail spaces also offer the opportunity for creative industry growth whilst increasing footfall and vibrancy. Research by SELEP² is due to be released by the end of February 2022, which should be taken account of.

Evidence Base Document - Local Housing Need Update

Highways and Transportation: The identified increase in the housing requirement is noted and represents a material increase on previously identified housing needs, although it is appreciated that this does reflect the extended period of the Local Plan from 2031 to 2040. A significant number of dwellings within the current Local Plan are forecast to be supplied through windfalls. Given that windfall sites are relatively difficult to quantify and plan for in terms of forecasting future highway needs and can impact on strategic infrastructure funding, it is recommended that additional Local Plan needs do not lead to a significant increase in windfall allocation within the review period.

The need for affordable housing provision has been a topic of extended discussion through more recent planning applications within the district and there is a considerable need identified within this document. This adds weight to ensuring that whole Local Plan viability is robustly tested at the plan making stage, so that any infrastructure pressures can be planned for, and that the Infrastructure Delivery Plan (IDP) remains deliverable across the plan period. It is recommended that affordable housing policy continues to provide sufficient flexibility to enable a balanced approach be adopted on a case-by-case basis, as site viability is better understood.

In terms of housing mix, it is also important to consider the location of the development when taking into account housing needs for older people, vulnerable people and people with disabilities. Sites that are closer to local amenities are generally more suitable for this category of housing. The needs of future residents in terms of accessibility of local centres needs careful consideration as part of the associated IDP (scooter parking, new disabled parking bays within village centres and new and improved footway access are just a few examples). It is encouraging to see that the Sustainability Appraisal Scoping Report includes reference to development being appropriately located, however a site can still be within close proximity, but ultimately inaccessible to the necessary highway infrastructure, if links are not secured or deliverable.

² <https://www.southeastlep.com/new-role-for-the-creative-and-cultural-sector-as-driver-for-future-of-our-high-streets/>

The County Council as Local Highway Authority would like to take this opportunity to reiterate that, given the level of additional housing that has been identified, it will be necessary for the Local Planning Authority to fund and carry out its own review of the Transport Impact Assessment, in consultation with KCC as the Local Highway Authority, which may include the provision of a new/improved transport model.

Affordable Housing Need - paragraph 1.27

Provision and Delivery of County Council Community Services and Facilities: The analysis identifies a notable need for affordable housing and it is clear that provision of new affordable housing is an important and pressing issue in the district. This report does not provide an affordable housing target; the amount of affordable housing delivered will be limited to the amount that can viably be provided. The evidence does however suggest that affordable housing delivery should be maximised where opportunities arise. KCC is of the view that affordable housing requirements should be considered alongside other key infrastructure requirements needed to mitigate the impact of development. The County Council supports the assertion that setting an unachievable affordable housing requirement in Thanet is likely to strain development viability.

Family housing and appropriate mix of housing – paragraph 1.36

Provision and Delivery of County Council Community Services and Facilities: The County Council is supportive of new developments that provide a mix of dwelling types and homes to suit a range of needs in the community. Any housing needs assessment should include specialist housing for the elderly and vulnerable adults with learning and physical requirements.

The County Council would also request a universal requirement that new homes are built as Wheelchair Accessible and Adaptable Dwellings, in accordance with Building Regulations Part M 4 (2).

The Department for Levelling Up, Housing and Communities identified in June 2019 guidance - Housing for older and disabled people³ - the need to provide housing for older and disabled people as critical. Accessible and adaptable housing enables people to live more independently and safely, providing safe and convenient homes with suitable circulation space, bathrooms and kitchens. KCC requests that these dwellings are built to Building Regulation Part M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupants' requirements.

Recommendations for older persons and those with disabilities – paragraph 1.44

Provision and Delivery of County Council Community Services and Facilities: The County Council's initial calculations have identified a need to plan for the following over the 2020-2040 period:

³ <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>

- 2,100 housing units with support (sheltered/retirement housing), in both the market and affordable sectors;
- 1,000 additional housing units with care (e.g. extra-care), again in both the market and affordable sectors;
- 1,286 additional care bedspaces; and
- 860 dwellings to be for wheelchair users (meeting technical standard M4(3)).

The County Council supports the principle of enabling the elderly to remain in their own homes and/or live independently in accommodation with assistance on-site. Indeed, since the onset of COVID-19, there has been a significant decrease in the number of social care clients choosing to go into traditional care home settings. This shift towards specialist housing for the elderly has significant implications for the way in which this part of the community needs to be supported by county social care services – and is requiring continuous adaptations in how assistance and care is provided.

As such, with regard to developer contributions for any proposed development in Thanet, it is important that resources are directed towards five key areas to increase capacity in Adult Social Care. These are:

- Assistive Technology and Home Adaptation Equipment – to enable people to continue to live independently;
- Specialist Housing – Adult Social Care will purchase nomination rights from registered housing providers;
- Adaptations and improvements to existing community facilities to enable all to be able to access these;
- Provision of sensory facilities;
- Provision of Changing Place facilities to enable those with profound physical and mental health issues (and their carers) to remain active and as independent as possible.

Older persons and those with disabilities - paragraph 1.47

Provision and Delivery of County Council Community Services and Facilities: The County Council supports the recommendation that the District Council could consider (as a starting point) requiring all dwellings (in all tenures) to meet the M4(2) standards (which are similar to the Lifetime Homes Standards) and at least 5% of homes meeting M4(3) – wheelchair user dwellings. KCC currently requests that all homes are built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2).

Evidence Base Document - Sustainability Appraisal Scoping Report

Chapter 2 Population Growth, Health and Wellbeing

PRoW: There is a large body of evidence about the benefits of physical activity and access to green space and coast, of which the PRoW network and access land are key components. The network provides important social, recreational and sustainable travel options which support Kent's economy. Health and wellbeing outcomes will need to be

integrated with spatial planning, creating places that support people to improve their health through regular activity such as walking or cycling. The County Council would therefore welcome consideration of the KCC ROWIP. The Sustainability Appraisal (SA) Objective 3 should also include an assessment of opportunities provided by an improved PROW network.

Chapter 3 – Economy

PRoW: The PRoW network is an asset that can help contribute towards a robust infrastructure that enables development and encourage economic growth leading to regeneration and attraction of new businesses. The ROWIP has a significant role in supporting sustainable economic growth, directly contributing to transport, green infrastructure and open spaces. The ROWIP as a statutory document can inform, support and add weight to policies within the Local Plan and should be referenced accordingly. Sustainable rural leisure and tourism is a key way of supporting the socio-economic well-being of rural areas, providing jobs and supporting community services. The PRoW network and the ROWIP has a critical role in this. SA Objective 4 should include assessment of opportunities provided by an improved PROW network.

The Local Plan should ensure that new developments incorporate good sustainable transport connections, with a high-quality walking and cycling infrastructure available, which can link local amenities. As such, SA Objective 4 should include assessment of opportunities provided by an improved PRoW network.

Chapter 4 - Transport Connections and Travel Habits

PRoW: The County Council would like to see specific reference and consideration made to the KCC PRoW network and the KCC ROWIP. Assessment of the impact on the network from development plays a significant role in increasing active travel participation and implementing NPPF paragraph 98, which seeks to ensure planning policies protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trail.

Through the improvement of the existing PRoW network to facilitate active travel for shorter journeys and improving links to transport hubs, the County Council and District Council can work towards more sustainable travel patterns in Thanet. For longer distances, walking and cycling may not be feasible and other methods of travel including bus, car and train will need to be used. The PRoW network still plays an important role in providing links to these modes of transport, such as bus and railway stations. Encouraging people to leave their cars at home and use active travel methods for shorter journeys will not only provide health and wellbeing benefits to the participant but will also have a positive impact on the local environment, contributing to reduced road congestion and better air quality. The provision of links that provide access to work, school and facilities is an essential element of a well-planned green infrastructure to facilitate sustainable and active travel.

Sub-national (Paragraph 4.7)

Highways and Transportation Paragraph 4.7 refers to LTP 4: Delivering Growth without Gridlock 2016-2031. Whilst this remains current for now, the County Council is in process of and preparing a new LTP 5, which seeks to align with recent changes to highway, transport, planning and sustainability policy/guidance at both a national and local level. Any planned growth (including infrastructure provision) identified as part of the Local Plan Review will also need to consider (and inform) LTP 5, which is due to be developed over the next twelve to eighteen months.

Pages 72-73

Highways and Transportation: There is no reference to the fact that travel demand in Thanet is largely seasonal and that demand and peaks can fluctuate throughout the spring and summer season which consequently has an impact on levels of service on the A28 corridor.

Road Network and Congestion Hotspots (Paragraph 4.12)

Highways and Transportation: Thanet is connected to the UK motorway network by the A299 (not the A229 as stated). It is also relevant to point out that the A299, A28 and A256 all form part of the recently established Major Road Network (MRN) and as such, infrastructure funding through the MRN and Large Local Majors Investment Programme is possible, subject to necessary endorsements at sub regional level. A bid for MRN funding is currently in process by KCC as the Local Highway Authority relating to the A28 (located within the district).

Bus Network (Page 74)

Highways and Transportation: It is also relevant that consideration is had to the fact there are regular bus services between Thanet and Canterbury along the A28 corridor, which helps to cater for the demand in Figure 4.1.

Sustainability Issues and Likely Evolution of the Issues Without the Local Plan Review (Page 79)

Highways and Transportation: Road congestion remains a challenge within Thanet, however it is not accurate to attribute this solely to Brexit and the uncertainty that exists over the customs and immigration checks at the Port of Dover. This may have had greater relevance during the Brexit transition period (when Manston Airport was used as a temporary lorry holding facility by DFT), however that temporary arrangement has since come to an end and the impact has subsequently diminished. Consequently, border facility checks are now more relevant to adjacent authorities such as Dover that are more closely located to the Port of Dover, where a larger proportion of the freight within the county is currently handled. It is possible that such issues could become relevant to Thanet, should freight operations at Ramsgate Port recommence or expand in the future.

Commuting Patterns and Travel Behaviour

PRoW: The County Council would recommend specific mention of the PRoW network and Active Travel role in encouraging change in patterns and behaviour. KCC would welcome a role in the earliest stages of planning for growth to clarify opportunities and provide up to date knowledge of routes proposed and advise regarding essential legal processes required. It is also essential that the Local Plan reflects that PRoW opportunities are not merely for leisure, but through improvements and enhancements to routes can provide significant Active Travel connectivity, as shown in recent Emergency Active Travel funding and projects in partnership with KCC Highways.

Transport Connections and Travel Habits SA Objectives and Appraisal Questions (Page 80)

Highways and Transportation: In respect of SA Objective 6, the proposed questions are reasonable and are in line with national planning policy. It would however be helpful to define what “key facilities” means in practice, to enable options to be assessed on a consistent basis. It is noted that Appendix A (SA Objectives) provide a level a quantitative approach to this by distance parameters to certain destinations to meet objective themes.

In line with the Thanet Transport Strategy, reducing the need to travel by locating development in the right place with the necessary infrastructure to encourage sustainable travel is also a key component of any Plan/option assessment. This can be further reinforced by considering specific policy that seeks to support the more recent prevalence of home working practices which has been accelerated by the recent pandemic.

PRoW: The County Council, in respect of PRoW, is supportive of Objective 6 and requests that Appraisal questions include promotion of investment through development opportunities to improve walking and cycling (including PRoW network) to encourage modal shift away from short car journeys.

Chapter 5 – Air, Land and Water Quality

Waste Management: KCC, as Waste Disposal Authority, welcomes the reference made to waste, as well as specific mention of the National Planning Policy for Waste (NPPW).

Chapter 6 – Climate Change Adaptation and Mitigation

Sustainable Urban Drainage Systems (SuDS): It is assumed that SA Objective 10 on page 117 should be SA Objective 11. Section 3.6 of County Council’s Drainage and Planning Policy contains guidance for Local Authorities in respect of preparing Local Plans. It is recommended that the District Council references KCC’s Drainage and Planning Policy Document in the “Sub-national” section. New developments are required to demonstrate compliance with the policies within this KCC policy document, however these are largely based on existing national guidance, such as the NPPF and the Non- Statutory Technical Standards for Sustainable Drainage as published by Defra. Therefore, by addressing the ‘national requirements’ new developments could also be fulfilling County Council policy requirements.

Sustainable Business and Communities

The County Council welcomes reference to the Kent Environment Strategy, and would also recommend consideration of the [Energy and Low Emissions Strategy](#).

The County Council will continue to work closely with the District Council to help ensure the delivery of new housing and infrastructure in response to local needs – delivering sustainable growth for the Thanet District. The County Council will welcome engagement with the District Council in addressing the matters raised in this response and through the progression of the Local Plan Review.

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

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

Yours faithfully,



Stephanie Holt-Castle

Director – Growth and Communities

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Appendix A: Indicative assessment of required county infrastructure mitigation

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Schedule of Local Plan key infrastructure required for proposed additional dwellings of 4,000-4,500

Theme	Requirements/project	Nature of Provision	Lead Organisation	Estimated cost	Funding known/potential partners
Primary Education	Additional primary capacity to serve up to 4,500 new homes	3 x new 2FE Primary Schools	KCC	£10.2 m per new Primary school (includes 26 place nursery)	Financial contributions Primary: £6800 per applicable house and £1700 per applicable flat- index linked from April 2020
Primary Land	Additional primary capacity to serve up to 4,500 new homes	3 x new primary school sites at 2.05 ha each to be provided in accordance with <i>KCC General Site Transfer</i> requirements	KCC	At no cost to the LEA	To be provided by developers at no cost to LEA
Secondary Education	New secondary school provision in Thanet to support 900 new pupils	A secondary school site of 12ha to be identified in the Westwood area (Manston Court Road/Haine Road etc)	KCC	£23.292m	Financial contributions Secondary: £5176 per applicable house and £1294 per applicable flat - index linked from April 2020
Secondary Land	New secondary school provision in Thanet to support 900 new pupils	A secondary school site of 12ha to be identified in the Westwood area (Manston Court Road/Haine Road etc) to be provided in accordance with <i>KCC General Site Transfer</i> requirements	KCC	At no cost to the LEA	To be provided by developers at no cost to LEA
SEND	Additional SEND capacity to serve needs of additional pupils requiring access to SEN resources	SEND projects to be identified	KCC	TBC	SEND expansion: £1051.82 per applicable house and £262.96 per applicable flat; SEND new build: £1,351.57 per applicable house and £337.89 per applicable flat - index linked from April 2020
Nursery/Early Years	Additional private nursery capacity for 0-3 years and to support working parents of 3-4 year olds – e.g. wrap	Sites and properties suitable for use for private and charitable sector nursery space provision within or proximate to new housing developments and	TBC	TBC	TBC

	around care. Minimum consideration of 40-60 nursery places required in addition to school nurseries	residential areas			
Youth Services	Additional capacity for the Thanet Youth Service to meet priority youth needs at the time of development	Resources for the Thanet Youth Service (including outreach, early intervention and prevention services)	KCC	TBC	Financial contributions of £65.50 per dwelling - index linked from April 2020
Community Learning	Additional capacity for Adult Education services in Thanet to support additional learners	Towards additional equipment, services, and resources for the Adult Education Centres in Broadstairs and Margate to assist with the education and training of the new learners arising from new development	KCC	TBC	Financial contributions of £16.42 per dwelling - index linked from April 2020
Adult Social Care	Build additional capacity to support additional LD, PD and elderly clients to include appropriate adult social care provision/services to support independent living	KCC Social Care has five priority areas: <ul style="list-style-type: none"> • specialist care accommodation • assistive technology systems • adapting Community facilities, • sensory facilities • Changing Places within the District 	KCC	TBC	Financial contributions of £146.88 per dwelling index linked from April 2020
Adult Social Care	Build additional capacity to support ageing population and LD & PD clients with appropriate accommodation to support independent	All homes to be built to Part M4(2) standard or above	KCC	N/A	To be provided by the developer

	living				
Libraries	All Thanet District libraries and mobile library services	Additional book stock, resources, and services (including digital infrastructure and resources)	KCC	N/A	Financial contributions of £55.45 per dwelling - index linked from April 2020
Libraries	Re-location of Margate Library	New town centre location for Margate Library required along with funding for internal fit out	KCC	TBC	Financial contributions of £55.45 per dwelling - index linked from April 2020
Waste	Increase household waste processing capacity to support new housing	Upgrade/improvements at Margate HWRC. Also requires land for expansion	KCC	£1.25m	Financial contribution of £54.47 per dwelling - index linked from April 2020
Broadband	To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.	Fibre to the premise with a minimal internal speed of 1000 mbps	KCC	N/A	Developer to provide

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Email: Alessandra.Sartori@kent.gov.uk

11 February 2022

Dear Joanna,

Re: Land north and south of New Dover Road, Canterbury, extending north to Canterbury-Dover railway line, west to Nackington Road and south to A2 ('Mountfield Park' – South Canterbury) (Application Reference: CA/16/00600)

Thank you for consulting Kent County Council (KCC) on the hybrid planning application for the urban extension up to 4,000 dwellings comprising, in summary:

- A full application for 140 dwellings, with vehicular, cycle and pedestrian access via New Dover Road, internal vehicular, cycle and pedestrian routes, drainage and utilities infrastructure and public open space.
- An outline application with all matters reserved except access (excluding internal circulation) for up to 3,860 additional dwellings, including two primary schools, a Community Hub, an additional Local Centre, land reserved for the potential relocation of the Kent and Canterbury Hospital, a Park and Ride facility, public open space and associated access and infrastructure.

KCC notes that an application was originally submitted in March 2016 to which the County Council provided comments on 20 May 2016, and recognises that after a subsequent legal challenge, it is now necessary for the City Council to determine the application again and the new documentation and changes to the proposal.

The County Council has reviewed the application documents and sets out its comments below:

Highways and Transportation

The County Council, as Local Highway Authority, has reviewed the main changes proposed to the application which are set out within the updated RGP Transport Statement, the updated Parameter Plan, the Design and Access Statement and point iii of the submitted "Guide to the Planning Application" which relates to travel, transport and highways.

RGP Updated Transport Statement

The Transport Statement discusses six areas in line with national guidance and local advice. These are:

1. Updates to Policy
2. Updated Accident Review
3. Updated baseline Traffic Surveys & Updated Construction Programme
4. Travel pattern changes
5. Infrastructure delivery

Updates to Policy

KCC notes that the applicant has identified the relevant updates to policy, which required a review of the Design and Access Statement (relating to paragraph 110 of the [National Planning Policy Framework](#) (NPPF) which discusses the National Design Guide) and updated local parking standards. A review of the Phase 1a application has also been undertaken to determine whether any amendments are required as a consequence to policy amendments.

The updated Design and Access Statement has included appropriate references to the updated NPPF; however, it does not address electric charging facilities (paragraph 87). This should be addressed. Furthermore, there are new KCC parking standards being implemented as a part of the revised Kent Design Guide which require one active charger per dwelling with on-plot parking and 10% active chargers for communal residential areas. Non-residential developments are required to have 10% active and 100% passive EV parking provision. The new parking standards will be issued to the applicant directly so that they can be applied to this proposal.

Action 1: KCC advises that Section 7 of the Design and Access Statement is updated to reflect the policy changes, along with an updated proposed parking plan for the Phase 1a submission.

The Design and Access Statement has been updated on numerous occasions that makes it particularly difficult to assess. It would be helpful if the applicant could submit a fully updated Design and Access Statement, taking into account the required amendments.

Updated Accident Review

KCC notes that there has been a significant increase in the number of incidents between the 2008-15 and 2015-21 reviews, from 44 to 59 reported cases in the New Dover Road (urban) area. Moreover, two fatalities were recorded which both involved pedestrians crossing the A257 St George's Place. KCC recognises that the application makes general improvements to the provision of sustainable access to the City Centre and would welcome engagement with the applicant to also deliver significant movements across the junction.

Action 2: KCC, as Local Highway Authority, requests that the previously proposed mitigation for this junction is reviewed with the County Council, with the purpose of addressing matters arising from the Personal Injury Accident (PIA) reports.

It is noted that the Old Dover Road area has experienced an increased incident rate from 43 reported cases in the 2008-15 review to 53 reported cases in the 2015-21 review. Although a summary of the incidents is not provided in the applicant's submission, KCC's own review would indicate no clear causal factor, however, there are some incidents relating to right turn movements.

The number of incidents in the Spring Lane/Pilgrims Way area has remained similar since last being reviewed, although, there is an acknowledged increase in severity. KCC considers that the mitigation put forward to reduce the speeds in this area remains appropriate and proportionate, however, there is concern over the number of dwellings which are proposed to have direct access to this area. It is noted that the area has a high volume of vulnerable users due to the extent of education land use in the area, important cycle routes and the North Downs Way National Trail. The value and protection of these assets is therefore increasingly important to the application and its reliance on modal shift to mitigate traffic and air quality concerns. Furthermore, the Design and Access Statement mentions an approximate number of 100 dwellings requiring access via Pilgrims Way. However, the previous consent did not restrict the number of dwellings that have direct access on to Pilgrims Way and due to the likely increased value in this route for non motorised access to the development, KCC considers that there should be a condition imposed to address this (i.e. limit the number of houses with direct access on to that road). KCC advises that the vehicular trip generation in this area would be in direct conflict with the aim of enhancing the North Downs Way or providing a sustainable access route to the City Centre from the development and protecting those vulnerable users.

Action 3: To protect an increasing number of vulnerable users in the area, KCC, as Local Highway Authority, would request discussion with the Local Planning Authority and the applicant on options to incorporate land uses which would generate less movements at peak hours (for instance, care homes, supported living accommodation and open space). It is further recommended that a condition is imposed that restricts the number of dwellings accessing off Pilgrims Way in order to minimise the inevitable conflict.

The County Council recognises that all other areas requested to be reviewed have either maintained a consistent level or reduced level of incidents since last being assessed and therefore has no further comment on those areas.

Updated baseline Traffic Surveys & Updated Construction Programme

It is understood that traffic survey opportunities have been significantly constrained, predominantly due to the COVID-19 pandemic. Notwithstanding this, it was accepted that a traffic survey in early October 2021 (outside the school holiday half term and after the main impacts of the 2021 fuel shortage) provides a valid indicative sensitivity test against previous surveys undertaken for the application.

KCC recognises that overall traffic on the A2 has shown significant peak hour reductions and this is reflective of the county wide picture since the pandemic struck.

Local traffic is lower than predicted for 2021 in most areas, however, there is a slight increase in expected flows in the ring road area - a squared zone including the four main junctions of the Riding Gate and St Georges roundabouts, the St Georges traffic lights and the Nunnery Fields/Old Dover Road (cross keys) traffic lights. The increased traffic is explained in paragraph 8.4.5 in the Transport Statement as being on the New Dover Road (south of St Georges) and on the Old Dover Road (south of Nunnery Fields). As a consequence, the applicant has remodelled those junctions using updated traffic flows accounting for the unexpected increase in base growth. The technical note summarises that the flow changes result in a negligible residual impact of an increased seven second delay on St Georges Place.

Action 4: KCC, as Local Highway Authority, requires that the newly assumed base 2021 flows will be included in appendix N. KCC would also request that the original 2016 base flows and development trip generation flows are presented for comparisons. There are also some anomalies that would require further explanation as fewer movements through these junctions are shown in the updated traffic flow diagrams in comparison to those shown in the original application.

Action 5: Further to the above point, KCC requests that consideration is given to recently committed developments and if necessary, these are included in the junction modelling. These largely relate to educational expansions that would not necessarily be picked up accurately in the TEMPRO adjustments and are as follows:

- Former Chaucer College – KCC/CA/0166/2019
- Simon Langton expansion – KCC/CA/089/2021
- 5-5A Rhodaus Town – 21/01353

Action 6: The County Council would welcome further discussion with the applicant to review the newly modelled four junctions which may result in necessary amendments to the previously proposed mitigation in this area.

KCC is supportive of the junction assessments that have been updated to account for the delays of this application, with the forecast year of opening now 2037-2038, as opposed to 2031 in the original application.

It would be expected that the increased 2021 flows on the New Dover Road and Old Dover Road would also have an impact on the performance of the St Lawrence Road and St Ethelbert Road junctions which were originally assessed in the 2016 Transport Assessment (TA). KCC notes that in the case of the St Lawrence Road, the original TA identified the exit into New Dover Road as being over capacity with a significant impact being attributed to the development. Although it is acknowledged that there is expected to be a degree of the gaps created following implementation of the bus priority scheme further to the south, it is clear that the junction is at a sensitive level of capacity. In the case of the St Ethelbert and St Lawrence junctions on the Old Dover Road, KCC is satisfied that the level of increase following the 2021 counts would not be unduly detrimental to require additional evidence.

Action 7: KCC, as Local Highway Authority, would require that a re-assessment of the capacity and performance of the St Lawrence/New Dover Road junction is undertaken due to the increased traffic flows on the New Dover Road and Old Dover Road.

Travel Pattern Changes

The County Council has concerns in respect of the traffic pattern changes due to the impacts of the pandemic and KCC is therefore pleased to note that the bus patronage for school children is broadly similar to that pre-pandemic within the application.

KCC recognises that other positive and negative changes remain to travel patterns relating to post pandemic travel. It is noted that the traffic surveys take into account a wider drop in public transport usage and subsequent increase in other modes, as well as reduced traffic through increased working from home and/or avoidance of peak hours.

Infrastructure Delivery

KCC notes that the applicant is seeking a variation to the methodology associated with infrastructure delivery triggers, as explained in both the Transport Statement and "Guide to the Planning Application" dated December 2021. The applicant is seeking a Monitor and Manage approach, as opposed to the previously agreed Predict and Provide methodology. The applicant's reasoning and justification for a more flexible approach is intended to respond to the City Council's position on a Climate Emergency, whereby the sustainable transport triggers would remain as previously agreed. However, some of the more vehicular based mitigation is reviewed using an independent Transport Review Group (TRG) and a continual monitoring mechanism to check whether vehicular trip generation is greater or lesser than predicted. Should the trip generation be less than predicted, the applicant would seek to amend the Transport Assessment and triggers for infrastructure delivery accordingly. The TRG is proposed to be formed of representatives from Corinthian Mountfield Limited, KCC, Canterbury City Council and National Highways.

Paragraph 10.2.2 of the Transport Statement confirms that the applicant is not proposing to change the trigger points for the sustainable travel measures and infrastructure between the site and the City Centre, or those with a trigger point of less than 500 occupations, as there would be insufficient time to allow for monitoring to take place.

KCC would draw attention to Figure 10.1 and 10.2 within the Transport Statement to demonstrate the current agreed trigger points for highway mitigation which are shown below:

Phase 1 Infrastructure	Trigger Point (units)
Bus priority scheme along New Dover Road between The Gate Roundabout and St Lawrence Road (C14)	300
Pedestrian/cycle improvements along New Dover Road service road	50
Cycle lane improvements along New Dover Road	50
Localised cycle/pedestrian improvements along Pilgrims Way, St Augustines Road and the North Downs Way, as required from Mountfield Park to Canterbury City Centre (B12)	50
New North-west Signalised Junction onto New Dover Road (serving Phase 1A)	1
Traffic Lights implemented on Bekesbourne Road at the A2 off-slip junction (temporary measure implemented prior to occupation of 100 units)	100
Implement improvements to City Centre junction 6 through changes to staging of traffic signals and banned right turn movement from St George's Place to Upper Chantry Lane (F2) to improve bus reliability.	500
New A2 junction eastbound off-slip, link road and link road roundabouts (F11) (anticipated to be implemented prior to occupation of 1000 units)	1000
Capacity Improvements to Brenley Corner (Junction 7 of M2/A299 with A2)	1000

Figure 10.1 Phase 1 Trigger Points

Phase 2 Infrastructure	Trigger Point (units)
Provision of Fast-bus link across Mountfield Park west to Nackington Road (C4)	1600
New cycle/pedestrian route from Mountfield Park east to Bridge (B12)	1600
Cycle/pedestrian connection to Nackington Road (B14) and across to Langton Lane	1600
Works to create two-way cycle route within Dover Street	1600
Provision of cycle and pedestrian infrastructure improvements to existing route to city centre via Langton Lane, South Canterbury Road and Nunnery Fields (B14) including works for Bus priority on Nunnery Fields also	1600
Off-site Fast Bus Link (as per S106 Agreement)	1600
Construction of Public Space and Square and dualling of New Dover Road through site between A2 replacement junction and Gate Junction	1600
Provision of 1000 space Park & Ride (E3/E7)	1600
A2 westbound on and off-slips and new bridge, plus upgrades to eastbound on-slip (F11)	1600
Gate Roundabout converted to Traffic Signals (Only following relocation of Park & Ride - i.e. after 1600 units)	1800
Junction Improvements at Old Dover Road/Nunnery Fields/Oaten Hill signalised junction (Junction 9) for capacity and bus priority (C13)	1600
Junction Improvements at Old Dover Road junction with Ring Road (Riding Gate Roundabout - Junction 8)	1600
Capacity improvements at Old Dover Road/St Lawrence Road/The Drive/Nackington Road signalised junctions	1600
Implement improvements to City Centre junction 7 in the form of geometric improvements to St George's Place approach	1600

Figure 10.2 Phase 2 Trigger Points

The Monitor and Manage approach is proposed to be limited to the permanent A2 junction improvements and associated link roads, roundabouts, works to the A2050 New Dover Road and cycle and pedestrian links to Bridge.

Monitoring of the trip generation would be collected on an annual basis from the point at which the development reaches 600 occupations. These surveys are proposed to be an addition to the modal split surveys being completed as part of the wider Travel Plan monitoring. KCC notes that three key parameters for survey work are identified, these being:

- i. Trips generated from the development
- ii. Background traffic in and around an A2 cordon shown in Figure 10.3 of the Transport Statement
- iii. Accident records for the above mentioned cordon

Action 8: KCC would welcome further engagement with the applicant on the proposed “Monitor and Manage” approach in order to have a greater understanding of how flexible the approach is intended to be, how the monitoring would be undertaken, the requirement for our ongoing involvement and the decision making process. As a response to the Climate Emergency, KCC recommends that the new approach should also add in flexibility for earlier provision of the sustainable travel mitigating schemes. Furthermore, the proposed cordon area shown for monitoring does not cover a sufficient area and would need to extend towards the City, with the development mitigating its full impact. It is noted that the ultimate control of agreement to changes must be at the determination of the Local Highway and Planning Authorities.

Action 9: KCC would welcome further discussion with the applicant regarding the interaction between this application and the City Council’s emerging Local Plan and in particular the proposed Movement Parameter Plan, as this will be critical to the protection of future growth options.

Summary

There are a number of issues and additional information requirements of the Local Highway Authority before it is able to make any recommendation. The County Council, as Local Highway Authority, would therefore request the application is not determined until further discussion and evidence is provided to support the application, and KCC has been able to respond accordingly.

Public Rights of Way (PRoW)

The County Council notes that Public Footpaths CB345 and CB346, and Public Bridleways CC46 (The North Downs Way) and CC47, would be directly affected by the proposed development. The location of these paths is indicated on extracts of the Network Map (Appendix 1 and 2). It should be noted that the Network Map is a working copy of the Definitive Map and the existence of the PRoW is a material consideration.

It would appear from this application that there are no amendments to the incorporation of the PRoW network from the application originally submitted in 2016, and, as such, comments raised in the initial application in 2016 (Appendix 3), remain relevant.

However, due to the passage of time since the previous application and the increasing significance of Active Travel, KCC would request that a PRoW Management Scheme is provided as part of the application, to include each Public Right of Way affected and to cover pre-construction, construction and occupation of the development proposal. All details relating to the PRoW network will need to be approved by KCC prior to commencement of any works if permission is granted. The County Council would request this is secured via

condition in the event planning permission is granted. KCC would also request engagement with the applicant to ensure better clarity of the project going forward.

Impact on the wider network

KCC requests details of the strategy regarding off-site connectivity. Details of how the PRow will exit the site, giving permeability throughout the area and onward to transport and existing community facilities should be addressed. This is to ensure the opportunities which the network can provide through positive incorporation and early planning are not missed. The County Council considers that a financial contribution, in the form of Section 106 Agreement funding, will be sought to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider PRow network as the area is developed. Public Rights of Way CC48, CC49, CC62, CC55 and CC63 all provide connectivity into Canterbury centre and west towards other development sites and network investment. The County Council is likely to request a contribution of no less than £80,000 towards PRow surface improvements and clearance. These improvements would also assist in the future proofing of sustainable Active Travel Opportunities across the wider area of the district.

General Comments

Users of the PRow network are likely to be severely affected by impacts generated by the development, both during construction and following occupation of the proposal. These impacts are likely to include air quality, noise pollution and landscape and visual amenity impacts which need appropriate acknowledgement and therefore mitigation.

Active Travel access is essential from the outset of any work commencing on the proposed development to enable both new and existing users to access amenities both within and off site (schools and community facilities). There can be no disruption or potential danger to public use of the PRow network. Any delay to the upgrading and/or construction of PRow, cycle routes and other related works to the PRow networks would only increase the already significant impact on new and existing residents. There must be a commitment to Active Travel, connectivity of developments, sustainable transport, and the protection and enhancement of the local area rural character.

In consideration of Kent Design standards, any master plan should keep PRow within overlooked areas of open space, to facilitate a safer environment for path users. Path extinguishments and long-term severance of routes should also be avoided, to prevent fragmentation of the PRow network.

Provision and Delivery of County Council Community Services and Infrastructure

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and notes that it will have an additional impact on the delivery of its services which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

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

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements. The full response in respect of the implications on KCC community services and infrastructure is also in Appendices 4-4e.

The County Council was last consulted with regard to section 106 contributions for education and community services in April 2019. Since then, a number of changes have been made to the way in which KCC seeks amounts for infrastructure. As such, in order to ensure that this development mitigates fully the cost of providing infrastructure to meet the needs of the new population, KCC must consider this application at this point in time to reflect current costs and service provision.

Request Summary

	Per Applicable House	Per applicable flat	Total* (assumes 100% Houses)	Project
	4000	0		
Primary Education	£6,800.00	£1,700.00	£27,200,000.00	Towards provision of additional education places at two new 2FE primary schools on site and/or within the Planning Group and neighbouring Planning Groups.
Primary Land	Provision of two primary school sites of 2.05Ha each transferred to the County Council at nil cost, according to KCC's General Transfer Terms (attached).			
Special Educational Needs and Disability (SEND)	£1,334.61	£334.65	£5,338,440.00	Contribution towards new special school satellite provision and specialist resource provision to support SEN pupil inclusion in mainstream within the district.

* These figures are subject to review and are currently index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (April 20 Index 360.3). They are valid for 3 months from the date of this letter after which recalculation may be required due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs. Bonds will be required by KCC for the Education contributions if the applicant wishes to pay the contribution in instalments. If the contributions are paid in instalments, the applicant will also be required to cover KCC's borrowing costs for the construction of the schools.

Secondary Education	£4,540.00	£1,135.00	£18,160,000.00	Towards the provision of new secondary places at the new Barton Manor Secondary School, new secondary school on the coast and/or within the Planning Group.
*Total contributions for education provision (above) represent the maximum request based on all dwellings being houses. Once the housing mix is known, this will be recalculated accordingly.				
'Applicable' excludes: One bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation.				
	Per Dwelling (4000)	Total		Project
Community Building Specification:	<p>*Design that is dementia friendly with dementia friendly decoration and signage.</p> <p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets.</p> <p>*Provision of secure storage for KCC social care, community learning, libraries and youth service.</p>			
Community Learning	£16.42	£65,680.00	Free use of new community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment.	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional adult education courses locally.
Youth Service	£65.50	£262,000.00	Free use of new community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment.	Towards additional resources and equipment to enable outreach services in the vicinity of the development.
Library Service	£55.45	£221,800.00	Free use of new community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment.	Towards additional library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at libraries in the Canterbury Urban Area.

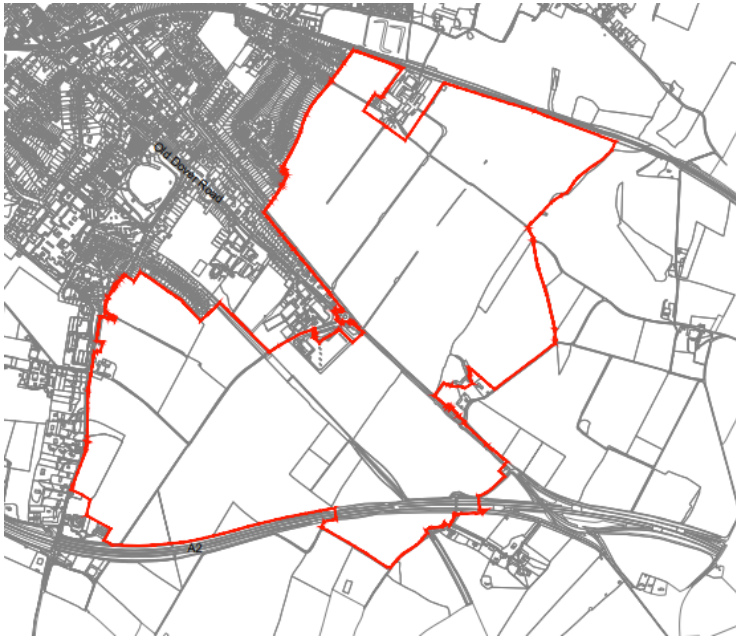
Social Care	£146.88	£587,520.00	Free use of new community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment.	Towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting community facilities, sensory facilities, and Changing Places within the district.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)			
Waste	54.47	£217,880.00		Towards provision of increased Household Waste Recycling Centre capacity to meet the needs of the development.
Broadband:	Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.			
	Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.			

Minerals and Waste

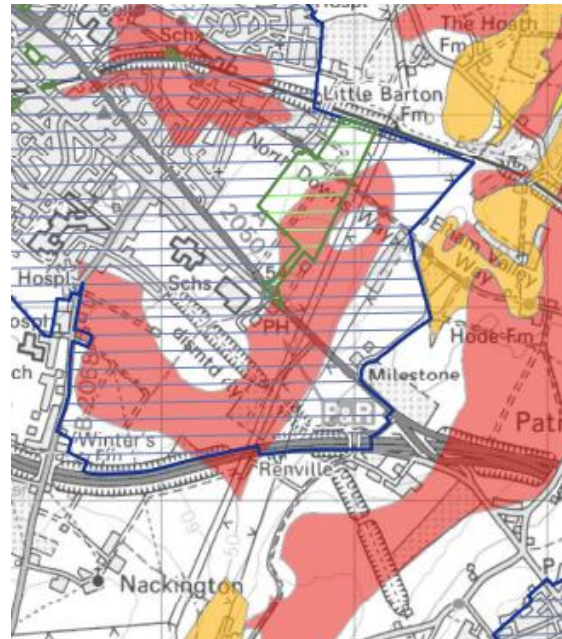
The County Council, as Minerals and Waste Planning Authority, can confirm the presence of economic mineral deposits at the site which are vulnerable to sterilisation as a result of the proposed scheme. The applicant must be made aware that prior extraction of such mineral deposits should be investigated as part of the application process. KCC therefore requests that a Minerals Assessment is prepared to determine the extent and nature of mineral deposits and to assess the viability and practicality of prior extraction regarding the non-mineral development. The County Council would also welcome further engagement with the City Council and the applicant to ensure that the sustainability of mineral safeguarding and supply are maintained in Kent.

However, it is noted that when comparing the application area to the Mineral Safeguarding Area of the adopted [Kent Minerals and Waste Local Plan 2013-30](#) Proposals Map for the Canterbury City Council area, it is evident that the vast proportion of the application area is within the defined urban area of Canterbury, and is therefore exempt from land-won mineral safeguarding.

Application Area



Mineral Safeguarding Area



KCC notes that the safeguarded land-won minerals immediately adjacent to the site include the River Terrace Deposits (orange) sand and gravels. These are in isolated units set amongst the mineral Brickearth (Other Areas) that is generally considered of limited to no economic viability. Therefore, these safeguarded mineral deposits that are immediately adjacent are unlikely to be of any economic viability. KCC would request that mineral safeguarding is addressed within the application in line with the adopted Kent Minerals and Waste Local Plan.

Sustainable Urban Drainage Systems

KCC, as Lead Local Flood Authority, would like to draw attention to the County Council's response to the initial application in 2016 (Appendix 3) and provide additional comments. Whilst KCC acknowledges that the detailed approval is only being sought for 140 dwellings, with outline approval being sought for a further 3860 dwellings (with all matters other than access being reserved for consideration at a later date), the principles of the site-wide drainage infrastructure should still be considered and established from the outset. KCC, as Lead Local Flood Authority, is therefore pleased to note that a preliminary surface water management strategy has been provided to demonstrate how the surface water generated by these substantial proposals can be accommodated.

As Lead Local Flood Authority, KCC will be seeking to ensure that the post-development flood risk is not exacerbated, and that the surface water management system devised for this development mimics the drainage from the pre-developed site as far as reasonably practicable.

KCC is supportive of the applicant allocating sufficient space within the site's boundary to accommodate appropriate sustainable drainage features to manage the runoff from the development proposed. Although the Drainage Strategy is not included, based on the previous submission which assumes that infiltration will not be available across the site (with

all surface water runoff attenuated and discharged at a controlled rate to off-site watercourses), KCC is aware of the applicant's intent to utilise infiltration wherever ground conditions permit. Wherever infiltration proves to be viable, the rate/volume of off-site discharge will be lower than presently suggested, with a corresponding reduction in the requirement for attenuation.

The quantity of attenuation currently presented is therefore likely to be somewhat higher than will actually be required at the final, detailed design stage. However, KCC recognises that there will be sufficient space for appropriate drainage features, irrespective of the actual underlying ground conditions.

Although KCC would have ordinarily recommended that site-specific infiltration testing is undertaken before the formulation of such a strategy, the British Geological Survey (BGS) information available suggests that the underlying geology will be sufficiently permeable for the use of infiltration across large parts of the site.

At the detailed design stage KCC, as Lead Local Flood Authority, would request a detailed surface water management strategy that:

- Has been designed to accommodate all rainfall durations and intensities for any event up to (and including) the climate-change adjusted critical 100yr storm.
- Takes account of the Environment Agency's latest climate change guidance.
- Is based on the use of 'open' SuDS features (swales, infiltration ponds, reed-beds, etc.) rather than through the use of subterranean geocellular crates. Such open features not only visually enhance a development site, however, they are also often cheaper to construct and maintain, provide added amenity and ecological value and can be more easily used to accommodate exceedance flows.
- Avoids or minimises the use of pumping.
- Maximises the use of infiltration.
- Considers the flow routing and accommodation of any rainfall event that may exceed the design parameters.
- Considers the drainage from the access road and internal highway and the requirements of the adopting authority.
- Considers the drainage from the undeveloped areas of the site. Any existing overland flow routes should be identified and avoided/mitigated.
- Takes full account of the implications of the phasing of the development to ensure the necessary infrastructure is in place and functional before the commencement of construction of any contributing impermeable area.
- With multi-phase developments or developments delivered over a period of time, it is beneficial to have a clear setting out of phases and contributions of impermeable areas, any attenuated volumes and discharge rates for each specific phase or plot.
- Phased drawings to be included to state contributions from all phases and tabulated so that it is straight forward for checking as phases are submitted/approved within the planning process.

KCC would also expect any attenuation feature to be designed with a half-drain time of less than 24 hours to ensure that any subsequent storm events can be adequately accommodated, irrespective of the means of discharge.

At the detailed design stage, the County Council would request the applicant to demonstrate that the ongoing maintenance has been fully considered and that the formal agreement of any adopting authority has been obtained.

Heritage Conservation

The County Council recognises that this is a significant development proposal which has the potential to affect a large range of heritage assets, including high-grade designated heritage assets. The City Council should seek expert advice from their in-house advisors and relevant external bodies to ensure that they adequately understand the impact of the scheme on heritage significance. KCC advises, as a minimum, that the City Council should seek advice from their in-house archaeological advisor and conservation officer, as well as Historic England, ICOMOS (International Council on Monuments and Sites) and the Canterbury World Heritage Site Co-ordinating Committee.

KCC notes that the baseline studies and Environmental Statement (ES) for heritage remain unchanged since 2016/19. It is possible that additional archaeological knowledge may now be available and relevant changes to planning policy should also be considered. KCC would suggest the existing ES Cultural Heritage chapter and accompanying baseline studies are subject to a “health check” and if necessary, an update/addendum should be prepared.

The 2016 Environmental Statement includes mitigation recommendations in respect of buried archaeology (section 10.6) and the planning application was accompanied a Written Scheme of Investigation (WSI) for archaeological mitigation that was prepared by CgMs and dated October 2016. KCC recommends that the WSI should be reviewed to take account of any changes (either to understanding or to the development parameters) and updated where necessary. The 2016 ES suggests that archaeological mitigation works can be secured using a suitably worded condition attached to any forthcoming planning consent. Canterbury City Council’s archaeological advisor would be most suitable to advise on the precise wording of such a planning condition or suite of conditions.

KCC suggests that any archaeological programme should include further field evaluation works (trial trenching) across the development area, including within areas suggested as being ‘negative’ on the geophysical survey. Following on from this, KCC would expect appropriate measures to put in place to secure the preservation in situ of important archaeological remains, as well as measures to record and advance understanding of any archaeological remains to be lost.

The scale of the development means that such archaeological investigation and mitigation measures could result in the production of a sizeable archaeological archive, including paper records, finds and environmental evidence. It is advised that the City Council should consider including measures, either through condition or legal agreement, to contribute towards the long-term storage and maintenance of the archaeological archive.

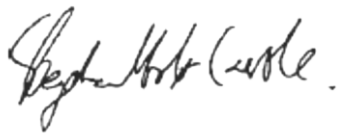
KCC recommends that any archaeological works undertaken for the proposed development are used to deliver public benefit. Such public benefit can take many forms, including through community participation in archaeological work, by means of on-going communication and outreach, through dissemination of archaeological results and from on-site interpretation. The City Council should ensure that any archaeological works include a commitment to deliver meaningful public benefit and again this could be secured by condition or legal agreement. It is also advised that the archaeological WSI is updated to include specific reference to the delivery of public benefit.

Biodiversity

KCC has provided ecological advice directly to Canterbury City Council, dated 21 January 2022 (Appendix 5).

The County Council will continue to work closely with the City Council to help to ensure the delivery of new housing and infrastructure in response to local needs. In addition, further engagement with the City Council and the applicant as the development proposal advances would be welcomed.

Yours sincerely,



Stephanie Holt-Castle

Director – Growth and Communities

Encs:

Appendix 1: Network Map

Appendix 2: Network Map

Appendix 3: KCC Response to South Canterbury 20.05.16

Appendix 4: Request Letter

Appendix 4a: Education Assessment

Appendix 4b: Communities Assessment

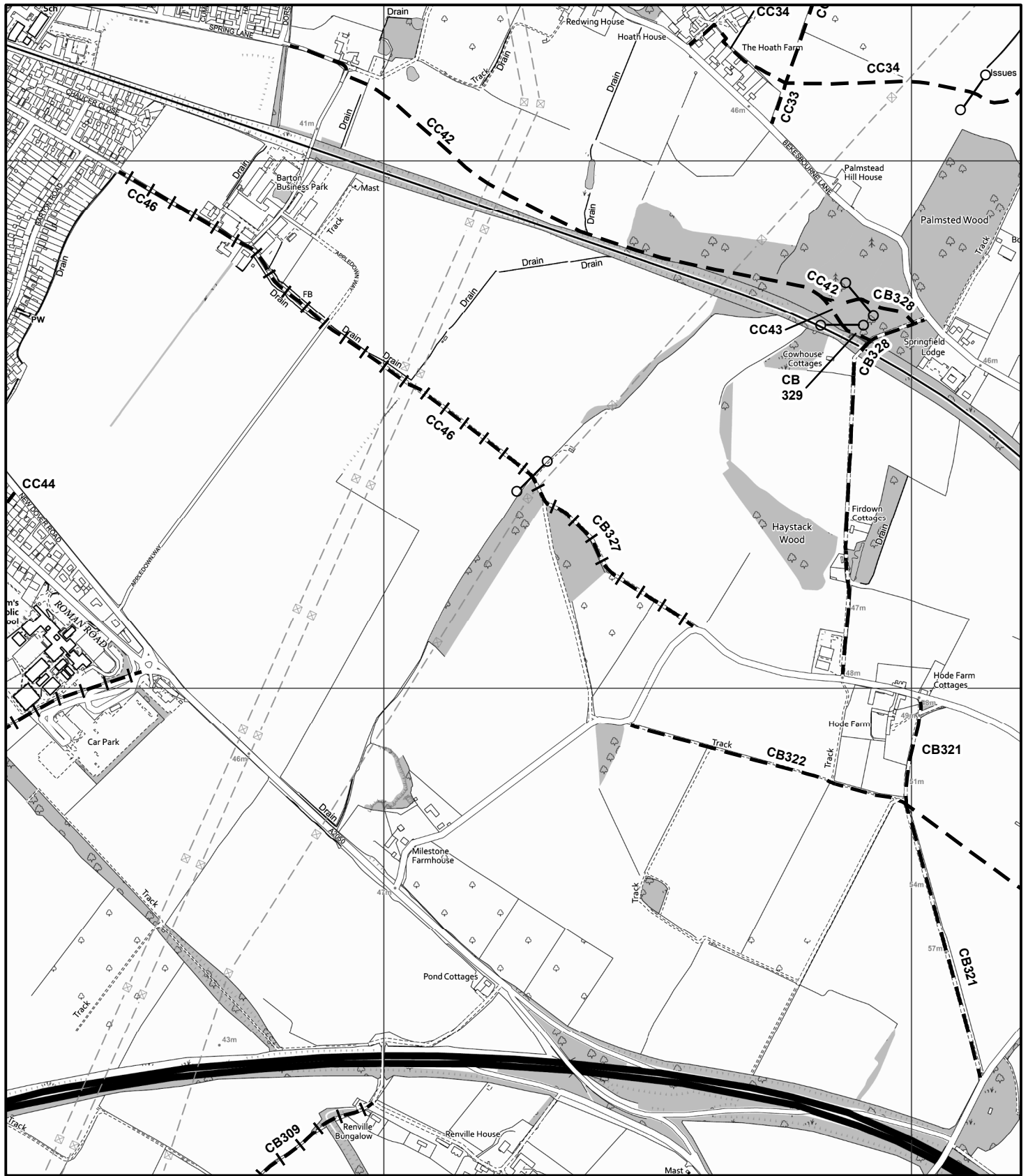
Appendix 4c: Social Care Assessment

Appendix 4d: Waste Assessment

Appendix 4e: KCC General Land Transfer Terms July 2020

Appendix 5: KCC Ecological Advice 21.01.22

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- — Footpath
- — Bridleway
- ∨ — ∨ Restricted Byway
- ⌘ — ∨ Byway Open to All Traffic
- — Point path number or status changes
- ■ ■ Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

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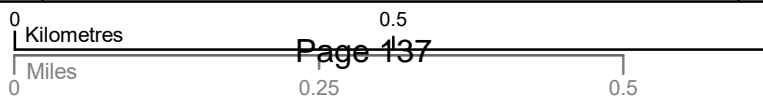
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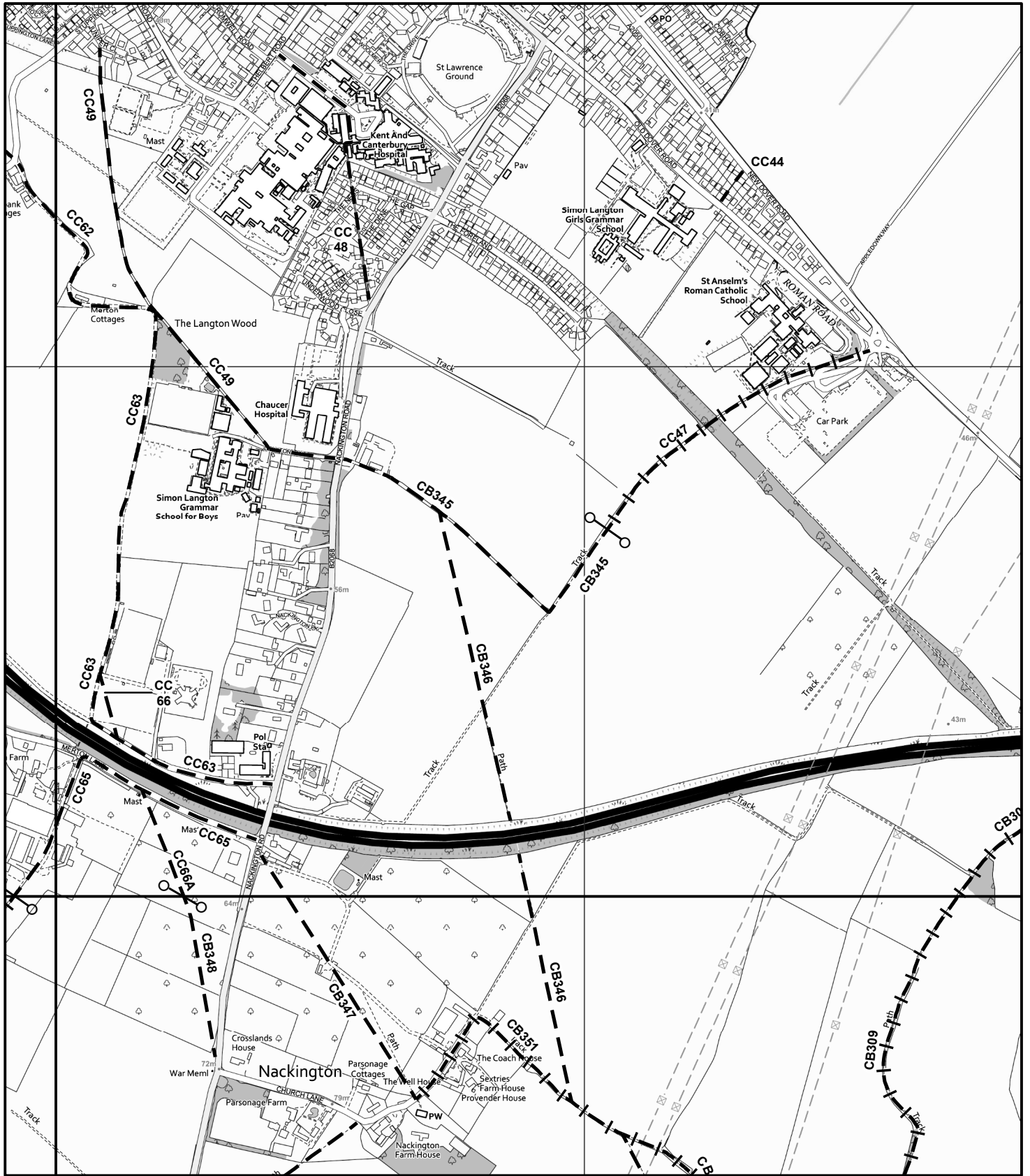
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- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- Area covered by 1:2500 scale Network Map

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Checked by:

LA

Issue Date:

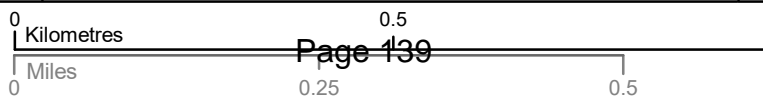
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CA/16/00600



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Mr B. Young
Planning and Regeneration
Canterbury City Council
Council Offices
Military Road
Canterbury
Kent CT1 1YW

BY EMAIL ONLY

**Growth, Environment
& Transport**

Room 1.62
Sessions House
MAIDSTONE
Kent ME14 1XQ

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

20 May 2016

Dear Ben,

Re: Land north and south of New Dover Road, Canterbury, extending north to Canterbury-Dover railway line, west to Nackington Road and south to A2 ('Mountfield Park' – South Canterbury) (Application Reference: CA/16/00600)

Thank you for inviting Kent County Council (KCC) to comment on the hybrid application received for the proposed South Canterbury urban extension for up to 4,000 dwellings comprising the following:

- Detailed proposals for 140 dwellings with access via New Dover Road, internal access and public open space.
- Outline application for up to 3,860 additional dwellings including two primary schools, a Community Hub, an additional Local Centre, land reserved for the potential relocation of the Kent and Canterbury Hospital, a Park and Ride facility, public open space and associated access and infrastructure.

The County Council has actively co-operated with the City Council throughout the preparation of its emerging District Local Plan (June 2014) and the identification of associated infrastructure requirements. KCC wishes to reiterate its position, as set out in its response to the Draft Local Plan (June 2014) dated 18 July 2014, regarding the phasing and timely delivery of full infrastructure necessary, through appropriately worded, robust legal agreements and/or the Community Infrastructure Levy, to support the development ambitions of the Plan. In addition, the County Council would like to emphasise the importance of ensuring that the Local Plan is viable in its entirety.

KCC recognises that the proposed development ('land at South Canterbury') is allocated under policy SP3: Strategic Site Allocations in the City Council's emerging District Local Plan (June 2014). Policy SP3 anticipates that the proposed site will contribute towards the delivery of 4,000 dwellings, employment space, retail facilities, primary schools, a doctor's surgery, a local community 'hub', new open

space, the relocation of Kent and Canterbury Hospital, an extended Park and Ride facility and transport infrastructure.

The County Council welcomes the positive contribution of the proposed urban extension at South Canterbury subject to the comments set out below:

Highways and Transportation

KCC – as Local Highway Authority - currently raises concern regarding the information submitted with respect to the Transport Assessment; specifically junction modelling and the analysis of trip distributions. Additionally, the County Council recognises that trigger points for various infrastructure improvements have not been agreed with KCC Highways and Transportation. These issues may be possible to overcome if amendments regarding the Transport Assessment and Drawings, Travel Plan and the proposed site layout of Phase 1A, as recommended by the County Council, are made.

A full copy of KCC Highways and Transportation comments is appended to this letter.

The County Council would welcome the opportunity to further engage with the City Council and Corinthian Mountfield Ltd. to address the highways and transportation matters raised and in turn help to ensure the timely delivery and funding of necessary infrastructure required to support the proposed development.

Provision and Delivery and County Council Community Services

KCC has assessed the implications of this proposal in terms of the delivery of its Education and Community Services (i.e. Libraries, Youth, Community Learning and Social Care) and is of the opinion that the proposed development will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Primary Education

The proposed development is forecast to generate up to 980 primary pupils which cannot be accommodated within existing capacity in local schools. To facilitate the increased demand from the proposed development it will be essential that new provision is incorporated into the development. **Therefore, the County Council requests the provision of two primary schools; each providing up to 420 places (equivalent to 2 forms of entry).**

It is also requested that land of 2.05 hectares per primary school site is provided in in both northern and southern neighbourhoods and is **transferred at nil cost** to the County Council and in accordance with KCC's General Site Transfer Terms. The estimated cost of construction for each school is £6 million and development contributions to fully cover the **total construction cost of £12 million will be required. In order to ensure that KCC does not have to undertake forward funding or borrowing, it is recommended that payments be made to the County Council in line with the delivery of the two primary schools.**

Secondary Education

The proposed development is forecast to give rise to up to 700 additional secondary school pupils which cannot be accommodated within existing capacity in local schools. Therefore, the County Council will request a contribution of **£5,091.60 per house** and **£1,272.90 per flat** towards new secondary school provision on the former Chaucer site to create additional places in mitigation. Therefore, **a total contribution of £17.8 million will be required for secondary education provision.**

Community Services Requirements

The County Council has assessed the implications of the proposed development on its delivered community services and considers that the new community will generate significant demand. The forecast numbers of new clients are outlined in the table below:

Service	Additional Clients
Community Learning And Skills	298
Youth Service	156
Libraries	2,118
Clients With Learning Disabilities	11
Clients With Physical Disabilities	7

Given the location and scale of the proposed development, KCC will request that provision within the proposed community building is made for the onsite delivery of KCC's community services.

The KCC Community Services Area should be an area within the building capable of accommodating two teaching areas or rooms of 50 square meters (net internal area) with the following: access to kitchen facilities during hours of use, lockable storage areas, toilets and disabled changing facilities and access for those disabled or with impaired mobility. It will also be requested that a full specification be agreed with the County Council and included in the associated planning obligation

To enable the Community Services Area to operate effectively the County Council will request the following contributions as set out in the table below:

	Per Dwelling	Comment
Community Learning and Skills	£36.35	The development is forecast to produce an additional 298 clients and there is not surplus capacity within the service to accommodate these. The requested contribution will go towards equipping the Community Services Area with IT and other learning resources.
Youth Services	£16.11	An additional 156 clients is forecast to be generated by the proposal and the requested contribution will go towards equipment within the Community Services Area and to enable Youth Workers to conduct outreach work within the new community.
Library Bookstock	£49.00	The development has been assessed to produce an additional 2,118 borrowers. The requested contribution will be used towards the provision of additional bookstock and a library kiosk within the Community Services Area.
80 Wheelchair Adaptable Homes as part of the on-site affordable homes delivery.		

A copy of KCC's full assessment of the above is appended to this letter.

Minerals and Waste

As Local Minerals and Waste Planning Authority, the County Council can confirm the presence of economic mineral deposits at the site which are vulnerable to sterilisation as a result of the proposed scheme. Corinthian Mountfield Ltd. should be informed that prior extraction of such mineral deposits should be investigated as part of the application process. Therefore, a minerals assessment should be prepared to determine the extent and nature of mineral deposits to assess the viability and practicality of prior extraction regarding the non-mineral development. The County Council would also welcome further engagement with the City Council and Corinthian Mountfield Ltd. to ensure that the sustainability of mineral safeguarding and supply are maintained in Kent.

Sustainable Urban Drainage

In its response dated 29 April 2016, KCC – as Lead Local Flood Authority – expressed concerns regarding the information submitted with respect to the proposed surface water management for the entire site and therefore recommended a holding objection until such information is submitted to inform an appropriate assessment. In addition, KCC also recommended the City Council consider the requirement for the preparation of a surface water drainage infrastructure parameter plan.

A full copy of KCC Flood Risk's response is appended to this letter.

Public Rights of Way (PRoW)

In seeking an agreement for the potential loss of views on the North Downs Way and loss of the Public Footpath CB346 and KCC requests that the following routes are provided as conditions to approval:

- that a new Public Bridleway is provided along the alignment of the Old Railway Line in accordance with community requests in delivering the County Councils Rights of Way Improvement Plan and NPF75. This should extend from the Renville Farm Road bridge to Public Bridleway CC47 and be constructed to a specification approved by KCC PRoW & Access Service;
- that a new Public Bridleway is provided heading North-South between CC46 and the Dover Road along the alignment of the NMU route shown on the attached plan. This should be constructed to a specification approved by KCC PRoW and Access Service;
- that the surfacing of Public Bridleways CC46 and CC47 and Public Footpath CB345 should be improved to an agreed specification of the Public Rights of Way Service;
- that the North Downs Way will not be closed at any point during development, other than for surfacing improvement works, at which time an alternative route must be provided; and
- that the design of the North Downs Way includes restrictions to vehicular access wherever possible and is approved by KCC PRoW and Access Service.

The County Council supports the proposed changes and layout for this area on the grounds that the above requested conditions and mitigations is secured.

A full copy of KCC PRow and Access Service's comments and a map setting out a requested dedicated route as mitigation is appended to this letter.

Heritage Conservation

The County Council welcomes the inclusion of Chapter 10: *Cultural Heritage* of the Environmental Statement accompanying the application and recognises that associated technical studies have identified that the proposed site has a very good potential for archaeology dating from Neolithic, Bronze Age, Iron Age and Roman periods. In addition, targeted evaluation works have demonstrated the presence of archaeology of Late Iron Age and Romano-British date.

With regard to section 10.6 of the Environmental Statement, KCC welcomes the inclusion of mitigation recommendations regarding buried archaeology and the proposal for a programme of archaeological investigation and mitigation works. Any archaeology programme should include further field-evaluation works (e.g. trial trenching) across the remaining development area, including within areas considered as 'negative' on the geophysical survey. Additionally, measures to secure preservation in situ of important archaeological remains and/or further archaeological investigation and recording are recommended. Therefore, it is recommended that the above programme is secured through the use of a suitably worded planning condition.

Given the nature and scale of the proposed development, such investigation and mitigation works could result in the production of a sizable archaeological archive. KCC advises that consideration is given to including measures, either through a condition or legal agreement, to contribute towards the long-term storage and maintenance of the archaeological archive.

The County Council will continue to work closely with the City Council to help to ensure the delivery of new housing and infrastructure in response to local needs. In addition, further engagement with the City Council and Corinthian Mountfield Ltd as the development proposal advances would be welcomed.

I trust you find the above useful and should you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely,



Barbara Cooper

Corporate Director - Growth, Environment and Transport

Encs:

- Appendix 1: KCC Highways and Transportation comments regarding CA/16/00600
- Appendix 2: KCC Education and Community Services Requirements assessments
 - a. KCC developer contribution assessment for Education
 - b. KCC developer contribution assessment for Customer and Communities' services
- Appendix 3: KCC Flood Risk's response to CA/16/00600 dated 29 April 2016
- Appendix 4: KCC PRow and Access Service comments regarding CA/16/00600 and associated map



Canterbury City Council
Planning Department
Military Road,
Canterbury
CT1 1YW

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 6th May 2016

Application - CA/16/00600

Location - Land north and south of New Dover Road, Canterbury, extending north to Canterbury-Dover railway line, west to Nackington Road and south to A2.

Proposal - Hybrid planning application for the proposed South Canterbury urban extension, comprising: 1) Full (detailed) application proposals as shown on the associated plans for: 140 dwellings; vehicular, cycle and pedestrian access via New Dover Road; internal vehicular, cycle and pedestrian routes; drainage and utilities infrastructure; and public open space. 2) Outline application proposals with all Matters reserved except Access (but not including internal circulation) for the remainder of the Proposed Development as shown on the Parameter Plan, Land Use Budget, Green Infrastructure Plan, Building Heights Parameters and Access Arrangements Plans, comprising: up to 3,860 additional dwellings, amounting to a total of up to 4,000 dwellings; two primary schools on sites each of 2.05 hectares; a Community Hub, accommodating uses within classes A1-A5 (shops; financial and professional services; and food and drink outlets), B1 (business), C1 (hotel), C2 (residential institutions, including care ..

Thank you for consulting the Local Highway Authority on the above planning application. Whilst I currently have objections to the planning application it may be possible to overcome these objections if the following amendments were made as set out below. The comments made are in no particular order of relevance.

Transport Assessment and Drawings

4.3 Access Arrangements

New Dover Road - Phase 1 Access - The two most north-western properties (128 and 130 New Dover Road) do not have the ability to turn right into their dwellings or turn right out of their dwellings. KCC Highways are of the opinion that there is no imperative safety reason as to why these properties should not have the ability to manoeuvre to / from New Dover Road and the central island should therefore be shortened accordingly.

New Dover Road - Gyrotory Design - It is not clear from the application description whether or not the design of this gyrotory design is illustrative or approval is currently sought at this outline stage. This should be clarified with the applicant.

New Replacement A2 Junction - The Transport Assessment discusses the safety benefits of

the eventual closure of the A2 east-bound off-slip but does not currently discuss the journey time implications that this closure will have and how it will lengthen journey times for residents living in Bridge and also Bekesbourne and Patricxbourne. The Local Highway Authority understands the safety reasons needed for closure of this off-slip but this should not come at the potential expense of journey times for local residents of the above villages. The Local Highway Authority is also of the opinion that the proposed closure of the eastbound off-slip will help to prevent rat-running of vehicles from the A2 to the A257 Littlebourne Road as it will lead to an increase in journey time and make this route less attractive for motorists. Further information is therefore required as to how residents will be affected by this closure.

6.3 Anticipated Residential Trip Distributions

Under education both Barton Court Grammar School and Archbishop's School are likely to be schools which children aged 11-18 will attend and therefore need to be included in the analysis.

Under commuting/employment both Canterbury Christ Church University and the University of Creative Arts are major employers in the Canterbury city area and will therefore need to be included in the analysis.

6.11 Ancillary Land Uses

A hotel and care accommodation such as a care home or extra care facility will not generate internal or local trips only and therefore will have their own trip generation. This has not been included in the current trip generation figures for the commercial vehicle trips.

6.13 Effect of Highway Works

Banned Right Turn Movements at Junction 9 - The banning of right turn movements at this junction is likely to result in increased use of Puckle Lane onto South Canterbury Road and out of Ethelbert Road onto Old Dover Road both of which are sub standard junctions with poor visibility in a right direction out of both junctions. The visibility out of these junctions needs to be improved and therefore a suitable mitigation scheme needs to be put forward.

Banned Right Turn Movement at Junction 6 from St George's Place to Upper Chantry Lane. The current plan submitted for this junction (2013/1749/036) does not prevent this right hand turn manoeuvre from taking place and the Transport Assessment is therefore incorrect. The modelling results therefore need to be amended accordingly. Furthermore KCC Highways and Transportation have concerns about the use of Dover Street as the outbound fast bus link route due to the narrowness of Dover Street, the significant amount of on-street parking along Dover Street and the proximity of old listed buildings to the edge of the Dover Street, which are likely to have substandard foundations. The junction modelling for this junction will therefore need to be amended to provide this right hand turn movement.

7.1 Transport Infrastructure Phasing Strategy

The trigger points in relation to the various infrastructure improvements have not been agreed with KCC Highways and Transportation, apart from the temporary traffic lights on the A2 eastbound off-slip, new A2 junction, provision of Fast Bus Link and Park and Ride facility. Each of the infrastructure improvements needs to have an agreed trigger point in writing with both KCC Highways and Transportation and Canterbury City Council so that KCC Highways can be assured that the necessary transport infrastructure is provided prior to each respective phase of development.

7.2 Walking and Cycling Improvements

New Dover Road (2013/1749/01) - It is expected that the new Dover Road service road is surfaced in a block paving surfacing to make drivers aware that they are entering a shared use environment. Furthermore the left turn only into the service road should be a tighter radii to prevent any chance of vehicles trying to turn right into this service road from New Dover Road.

7.4 Fast Bus Link

The modal share targets associated with the planning application and subsequent expected trip rates are on the basis of the fast bus link from the site into the City Centre being provided. It is therefore imperative that the applicant provides the necessary parking restrictions along South Canterbury Road and Nunnery Fields in order to provide for this fast bus link as set out in drawing number (2013/1749/012). Policy SP3 of the Canterbury Local Plan requires the provision of the fast bus link from the development site into Canterbury as part of the draft allocation of this site and these parking restrictions are required in order to facilitate the fast bus link. The applicant should therefore contact my colleagues in the engineering department at Canterbury City Council in order to progress the Traffic Regulation Order required for the parking restrictions. The parking restrictions must be agreed and sealed before any planning permission for this site can be given as this is subject to separate legislation governed by the Highways Act which is outside of the planning application process.

Agreement needs to be reached between the applicant and East Kent Hospitals University Foundation Trust about how the fast bus will travel around the Kent and Canterbury hospital site and further details should be submitted with this application.

As stated above Dover Street is not felt to be an appropriate route for buses and buses should travelling along St George's Place before turning right at the signalised junction onto Upper Chantry Lane.

7.5 New Dover Road Bus Priority

It is unclear why the bus lane cannot be provided straight along New Dover Road and has to join in with general traffic opposite the junction of Barton Road and New Dover Road. The alignment of New Dover Road could be shifted slightly in order to provide a continuous bus and general traffic city bound and ensure journey time reliability for buses.

7.7 Capacity Improvements

Junction 11 and 12 Old Dover Road / Nackington Road / St Lawrence Road - The parking restrictions and subsequent Traffic Regulation Order that are required in order to provide the right hand turn lane from Old Dover Road into St Lawrence Road have not been submitted to the City Council. These are essential in order to provide the above junction improvement. The applicant should therefore contact my colleagues in the engineering department at Canterbury City Council in order to progress the Traffic Regulation Order required for the parking restrictions. The parking restrictions must be agreed and sealed before any planning permission for this site can be given as this is subject to separate legislation governed by the Highways Act which is outside of the planning application process. Furthermore KCC Highways and Transportation are of the opinion that to allow the side road arms of The Drive and St Lawrence Road to operate within the same stage as opposing arms is a highway safety concern. There is not space in the middle of the junction for vehicles wishing to turn right without obstructing the junction for vehicles wishing to do the opposite manoeuvre from the other opposing arm.

Junction 7: St George's Roundabout - KCC Highways and Transportation agree for a financial contribution of the improvements to the St George's Place arm of the roundabout being transferred to KCC Highways and Transportation via a Section 106 Agreement. The Highway Authority is currently working on a Ring Road review and an improvement to this junction is likely to take a different form to the above. The applicant will however need to cost these works so that they can form part any required Section 106 Agreement should there be a resolution to grant planning permission on the site.

Junction 1: A2 Off-Slip / Bekesbourne Road - In drawing number 2013/1749/108 the articulated vehicle coming off the A2 onto Bifrons Hill overhangs the grass verge and the wheels of the vehicle over-run the grass verge. Bifrons Hill is therefore required to be slightly widened in order to ensure that none of the vehicle and / or wheels overruns the grass verge.

8.5 - Junction 4 - Barton Road / New Dover Road

The PICADY analysis that has been undertaken for this junction assumes that the junction currently operates with free flowing traffic, which is not the case especially in the AM peak with traffic queuing slowly along New Dover Road at this point. The PICADY analysis that has been undertaken does not represent a true reflection of how this junction currently operates.

8.6 - Junction 5 - St Lawrence Road / New Dover Road

The PICADY analysis that has been undertaken for this junction assumes that the junction currently operates with free flowing traffic, which is not the case especially in the AM peak with traffic queuing slowly along New Dover Road at this point. No mitigation of this junction is proposed, which is unacceptable as the RFC on the St Lawrence Road both left and right will go above the 0.85 notional capacity of the junction. Furthermore the tight radii of this junction means that it is not possible to have two lane queuing for vehicles exiting both left and right. In the 2031 Do Something AM Peak Scenario B there will be a 17 vehicle queue (11+6 vehicles). Currently on-street car parking is allowed on St Lawrence Road in the form of 4 hour visitor bays. An increase in queuing of 15 vehicles will directly interfere with the free flow of traffic along St Lawrence Road as any car queuing next to the parked cars will block the road and prevent the free flow of traffic heading from New Dover Road to Old Dover Road. A suitable mitigation scheme for this junction is therefore required. No supporting evidence is provided to justify the applicants stance that the bus gate will allow platooning of traffic out of this junction onto New Dover Road.

8.7 - Junction 6 - St George's Place / Upper Chantry Lane / Lower Chantry Lane / New Dover Road

A formal pedestrian crossing point is required across Upper Chantry Lane in order that pedestrians accessing the city centre from the application site can safely cross the road here. Currently pedestrians have to cross Upper Chantry Lane under no control and traffic enters Upper Chantry Lane from 3 directions, confusing pedestrians whom are crossing the road here. The junction should therefore be re-modelled in order to provide for this signalised crossing point.

8.9 - Junction 8 - Riding Gate Roundabout

The ARCADY analysis that has been undertaken for this junction assumes that the junction currently operates with free flowing traffic, which is not the case as both in the AM and PM peak the traffic is queuing on all arms of the roundabout. The mitigation measures proposed of a wider entry width of the Old Dover Road arm is insufficient to achieve a nil detriment scenario

for the Old Dover Road arm for Scenario A and B with the RFC's increasing from 0.891 in the 2031 Do Minimum AM peak to 0.938 and 0.982 respectively. Further mitigation measures are therefore required to achieve a nil detriment scenario in order to prevent the blocking of the Vernon Place junction.

8.10 - Junction 9 - Oaten Hill / Nunnery Fields / Old Dover Road

The proposals will result in an increase in the use of buses coming out of Nunnery Fields onto Old Dover Road. Currently there is no formal crossing point for pedestrians wishing to cross Nunnery Fields from the St Mary Bredin Church to the other side of Nunnery Fields. The increase use of Nunnery Fields by buses will make it more difficult for pedestrians to cross Nunnery Fields and KCC Highways and Transportation are of the opinion that the pedestrian crossing point should be signalised in order to provide a safe crossing point for pedestrians. The junction should therefore be re-modelled in order to provide for this signalised crossing point.

8.15 - Junction A - (5-arm roundabout)

ARCADY modelling has been undertaken for Junction A, a new 5 arm roundabout within the development. The Transport Assessment references drawing number 2013/1749/100 however I am unable to take accurate measurements from the drawing, The junction is also shown in drawing 2013/1749/116 on which measurements have been annotated. The ARCADY file has differing geometry to that shown on drawing 2013/1749/116, clarification is required on the correct measurements/design of the junction and if necessary revised modelling is required. Given these discrepancies we have not been able to carry out any assessment of this part of the overall transport evidence.

10.4 M2 Junction 7 - Brenley Corner

Section 10.4.7 of the Transport Assessment highlights a maximum impact of 490 two way movements during the AM peak and 545 two way movements in the PM peak at the junction. Modelling of the junction is required to assess the impact of the development on this junction.

11.3 - 'Phase 2' Sensitivity Test

The Barton Road / New Dover Road junction and St Lawrence Road / New Dover Road junctions will suffer from significant increase in vehicle delay if the modal shift targets as set out in the Travel Plan submitted the planning application are not realised. The maximum increase in delay at the Barton Road / New Dover Road junction could be another 123 seconds for the Barton Road right arm in the PM peak. The maximum increase in delay at the St Lawrence Road / New Dover Road junction could be another 381 seconds for the St Lawrence Road left arm in the PM peak. This increase in delay will interact with the junction of The Drive / St Lawrence Road / Old Dover Road and will result in capacity issues at this junction with vehicles blocking it as a result of substantial queuing on St Lawrence Road. Further mitigation measures will need to be proposed in this Transport Assessment for these junctions in order to reduce vehicle delay in the event that the modal shift targets are not met.

Travel Plan

KCC Highways and Transportation are satisfied that the proposed travel plan targets is acceptable. However the provision of a 3 month free bus pass and then 50% off bus travel voucher for the rest of the two year period for new residents is not considered to be a suitable method of encouraging sustainable travel from the outset. It would be more appropriate for a free bus fare for all new residents for a 1 year period and then 50% off in the second year.

In order to effectively monitor the travel plan a Section 106 contribution of £20,000 will be required (£1,000 per annum over a 20 year period).

Phase 1A Site Layout

- 1) The cycle way does not connect with the new shared surface footway / cycle way along New Dover Road.
- 2) The adoption plan should include the proposed footways next to the internal spine road.
- 3) A 2 metre wide margin / footway is required in front of the parking spaces in front of Block 4 so that the parking spaces have appropriate visibility splays.
- 4) It is not clear what the street type is serving blocks 4 and 5. Please clarify the type of street
- 5) There are steps proposed in the footway / cycleway on blocks 2 and 3. This is unacceptable and the steps need to be moved to within the private threshold of the dwellings.
- 6) There is likely to be on-street car parking issues as a result of the tandem parking relationship for dwellings in block 5. IGN3: Kent Parking Standards does not accept the use of tandem parking in suburban locations such as this and therefore an alternative design solution is required.
- 7) A 1:500 scaled plan is required showing service margins / routes, indication of levels throughout the site and shared surfaces.
- 8) The current design of the junction in between blocks 2, 3, 4 and 5 is not clear as to whom has priority. This should be delineated through the use of block paved crossing points and the main road through the site having a tarmac surface.
- 9) The transition from a one to two lane approach travelling in a south easterly direction on New Dover Road is too sudden and a 1 in 20 taper should be used for this transition.
- 10) The visibility that can be achieved out of the side road serving block 4 is severely constrained by the row of trees in both directions. These trees should be removed or set to the back of the footway.
- 11) Speed restraint features are required every 60 metres for all major access roads. A further speed restraint feature is therefore required on the north / south road to the north of the main square.
- 12) A cycleway is required for the north / south road to the south of the main square. This must be a minimum of 3 metres width and act as a shared surface. From there the cycleway can continue on the southern side of the road travelling in an easterly direction.
- 13) Further details are required as to the exact brand / colour of the block paving proposed so that KCC Highways can be assured that this on the list of adoptable materials.

Notes - As part of the adoption of the internal spine road and to ensure ease of movement for all vehicles, double yellow lines will be required in order to ensure that no on-street car parking takes place. The provision of double yellow lines will be secured through the Section 38 Highway Agreement process.

Further Comments

The current planning application site masterplan does not provide land that is required for an Eastern By-pass from New Dover Road (A2050) to Littlebourne Road (A257) should the By-pass ever be required in the future. The draft Canterbury City Transport Strategy states that funding and consideration of the scheme justification/benefits will be kept under review. It is not clear from the current proposals where a connection point would be or even if the applicant has even considered this point and this needs to be addressed and to be made clear on the proposed masterplan for the site.

Yours faithfully

Matt Hogben

Principal Transport & Development Planner

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Ms J Dymovska
Planning
Canterbury City Council
Military Road
Canterbury
Kent CT1 1WY

BY EMAIL ONLY

Economic Development

Invicta House
County Hall
Maidstone
ME14 1XX

Phone: 03000 415101
Ask for: Vicky Thistlewood
Email:
Victoria.thistlewood@kent.gov.uk

25 January 2022

Your Ref: CA/16/00600
Our Ref: K/E/CA/16/00600 VT

Dear Joanna

Planning Application: CA/16/00600 Provision and Delivery of County Council Community Services:

We refer to the above planning application which concerns proposed residential development at **Land North And South Of New Dover Road Canterbury Extending North To Canterbury-Dover Railway Line West To Nackington Road And South To A2** and comprising: up to **4000 new households**.

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

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

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

The County Council was last consulted with regard to S106 contributions (Education and Communities) in April 2019. Since then, a number of changes have been made to the way in which KCC seeks and amounts sought for infrastructure. As such, in order to ensure that this development mitigates fully the cost of providing infrastructure to meet the needs of the new population, KCC must consider this application at this point in time to reflect current costs and service provision.

Request Summary

	Per Applicable House	Per applicable flat	Total* (assumes 100% Houses)	Project
	4000	0		
Primary Education	£6,800.00	£1,700.00	£27,200,000.00	Towards provision of additional education places at 2No. new 2FE Primary schools on site and/or within the Planning Group and neighbouring Planning Groups
Primary Land	Provision of 2No. Primary School sites of 2.05Ha each transferred to the County Council at nil cost, according to KCC's General Transfer Terms (attached).			
Special Educational Needs and Disability (SEND)	£1,334.61	£334.65	£5,338,440.00	Contribution towards new special school satellite provision and specialist resource provision to support SEN pupil inclusion in mainstream within the district
Secondary Education	£4,540.00	£1,135.00	£18,160,000.00	Towards the provision of new secondary places at the new Barton Manor Secondary School, new secondary school on the coast and/or within the Planning Group
*Total contributions for education provision (above) represent the maximum request based on all dwellings being houses. Once the housing mix is known, this will be recalculated accordingly.				
'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered/extra care accommodation.				
	Per Dwelling (4000)	Total		Project

Community Building Specification:	<p>*Design that is Dementia friendly with dementia friendly decoration and signage.</p> <p>*A catering area which is compliant with the Equality Duty 2010, such as adjustable height work surfaces, wash areas, cupboards etc.</p> <p>*Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with Changing Places Toilets (changing-places.org)</p> <p>* Provision of secure storage for KCC Social Care, Community Learning, Libraries and Youth Service.</p>			
Community Learning	£16.42	£65,680.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.
Youth Service	£65.50	£262,000.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards additional resources and equipment to enable outreach services in the vicinity of the development.

Library Service	£55.45	£221,800.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Canterbury Urban Area
Social Care	£146.88	£587,520.00	Free use of new Community facilities on-site for meetings, group, and therapy sessions, plus provision of secure storage for equipment	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the District.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)			
Waste	54.47	£217,880.00		Towards provision of increased Household Waste Recycling Centre capacity to meet the needs of the development.
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.</p>			
Highways	<i>Kent Highway Services will respond separately</i>			

Please note that these figures:

- are subject to review and are currently **index linked by the BCIS General Building Cost Index from April 2020 to the date of payment** (April 20 Index 360.3)
- are valid for 3 months from the date of this letter after which recalculation may be required due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.
- Bonds will be required by KCC for the Education contributions if the applicant wishes to pay the contribution in instalments. If the contributions are paid in instalments, the applicant will also be required to cover KCC's borrowing costs for the construction of the schools.

Justification for infrastructure provision/development contributions requested

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendices.

Primary Education

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1.

This need, cumulatively with other new developments in the vicinity, can only be met through the provision of 2No. new 2 Form Entry Primary Schools, plus provision of additional places within the Planning Group and neighbouring Planning Groups.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of '*first come, first served*' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

Build Contribution

The County Council requires a financial contribution towards construction of the new schools at **£6,800 per 'applicable' house** and **£1,700 per 'applicable' flat** ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

Land Contribution

The County Council requires 2No. Primary School sites of 2.05Ha each to be provide on Site, transferred at nil cost and according to the attached General Transfer Terms.

Proposed Location of Primary School Sites

The proposed locations of the two primary school sites, as shown on the Revised Illustrative Masterplan 3157151 (December 2021 CLL001/077/D) are agreed in principle, subject to complying with the terms of KCC's General Transfer Terms.

Anticipated Phasing of School Builds

Table 1 below sets out KCC’s anticipated delivery triggers for primary schools. This will be subject to appropriate monitoring and review mechanisms within the S106 Agreement to reflect build-out rates and pupil demand, to ensure timely delivery and sufficient capacity to meet demand.

Table 1

	<u>Proposed Land Transfer</u>	<u>Opening First Phase of Primary School - Number of Dwellings Occupied</u>
<u>Primary School 1</u>	<u>Prior to occupation of first dwelling</u>	<u>350</u>
<u>Primary School 2</u>	<u>Prior to 1500th occupation</u>	<u>2000</u>

It is expected that all school sites will be served by vehicular and pedestrian/cycle routes prior to their opening, connecting not only the new communities to these schools, but also the existing developments in the locality.

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

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2022-26 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

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Nursery and Pre-School Provision

KCC has a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016. Whilst KCC is seeking the provision of pre-school facilities within the new primary schools, it also expects to see the delivery of infrastructure on-site for use by the private/voluntary/independent (PVI) sector at affordable rents. Currently, approximately 40% of two-year old children are entitled to free early education (15 hours per week), while all three and four-year olds are entitled to 15 hours per week, increasing to 30 hours for those with working parents. Take-up for these places has been high. KCC supports the provision of PVI nurseries on new developments (especially extended hours and provision for babies/under two-year olds)) and will work with the Applicant to advise on the appropriate method of delivery.

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Special Education Needs provision

The Children’s and Families Act 2014 and accompanying Code of Practice sets out the system for children and young people with special educational needs and disability (SEND) aged 0-

25 years. KCC's SEND Strategy sets out its vision and priorities in respect of this area of its service.

The number of children and young people with SEND in Kent is 13.4% of the total school population (January 2019). The majority are educated in mainstream school environments. However, children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. January 2019 figures for Kent show that 3.4% of the total school population were subject to an EHCP. The proportions have been rising both in Kent and nationally and this trend is set to continue. In addition, the change in legislation in 2014 placed a duty on Local Authorities to maintain an EHCP until a young person reaches the age of 25 years, in appropriate cases.

School-age pupils with EHCPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites, and in stand-alone special needs schools.

The DfE (June 2019 National School Delivery Cost Benchmarking) identifies the SEN build cost of £83,413.00 per pupil. The SEN pupil product ratios are 0.016 per house and 0.004 per applicable flat.

The proposal gives rise to additional pupils with Education and Health Care Plans (EHCP's) requiring extra support through specialist provision. This need will be met, as with other new developments in the vicinity, through the provision of a new special school satellite and specialist resource provision to support SEN pupil inclusion in mainstream within the district. A contribution is therefore required of **£334.65 per 'applicable' flat** and **£1,334.61 per 'applicable' house**.

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Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1.

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation at the Barton Manor School, proposed new secondary school on the coast and/or within the Planning Group.

The new secondary school accommodation will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

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

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On-Site Community Building –

The County Council requests that any on-site community facilities

- Toilets and changing facilities for the profoundly disabled which are Equality Duty 2010 Compliant and delivered in accordance with [Changing Places Toilets \(changing-places.org\)](http://changing-places.org).
- Provision of secure storage for KCC Social Care, Community Learning, Libraries and Youth Service.
- Community Buildings design that is Dementia friendly with dementia friendly decoration and signage.
- Community Buildings' catering areas to be compliant with the Equality Duty 2010, including adjustable height work surfaces, wash areas, cupboards etc.

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in **Appendix 2**, along with cost of mitigation.

To accommodate the increased demand on KCC Adult Education service, the County Council requests **£16.42 per dwelling** towards the cost of providing additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally. Adult Education will also require free use of on-site Community facilities for classes, as well as provision of secure storage for equipment.

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Youth Service

To accommodate the increased demand on KCC services the County Council requests **£65.50 per dwelling** towards additional resources and equipment to enable outreach services in the vicinity of the development to accommodate the additional attendees, along with free use of on-site Community Facilities for meetings & sessions locally, as well as secure storage within the new community facilities for equipment.

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Library Service

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

Borrower numbers are in excess of capacity, and bookstock in Canterbury at 634 per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492, respectively.

To mitigate the impact of this development, the County Council will need to provide additional services, equipment, and stock to meet the additional demand which will be generated by the people residing in these Dwellings.

The County Council therefore requests **£55.45 per household** to address the direct impact of this development, and the additional services, equipment and stock will be made available locally at libraries serving the Canterbury urban area as and when the monies are received.

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Adult Social Care

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 3

Kent County Council is the Statutory Authority for Adult Social Care. The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions. However, all existing care capacity is fully allocated, with no spare capacity to meet additional demand arising from this and other new developments. In addition, the Social Care budgets are fully allocated, with no spare funding available to address additional capital costs for social care clients generated from new developments.

To mitigate the impact of this development, KCC Adult Social Care requires:

- a proportionate monetary contribution of **£146.88 per household** (as set out in Appendix 3) towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places locally in the District.
- Free use of new Community Facilities on-site for meetings, group and therapy sessions
- The **Department for Levelling Up, Housing and Communities** identified in June 2019 guidance *Housing for older and disabled people*, the need to provide housing for older & disabled people is critical. **Accessible and adaptable housing** enables people to live more independently and safely, providing safe and convenient homes with suitable circulation space, bathrooms, and kitchens. Kent Adult Social Care requests these dwellings are built to **Building Reg Part M4(2) standard** (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

Potential provision of care homes/extra care

Concerning the provision of older person care homes in Kent, the County Council has seen a steady decline in overall numbers in the past five years, with the situation further exacerbated by Covid-19. In addition, the number of people wishing to access purely older person care homes is reducing. Consequently, there are specific types of care home delivery models which, the County Council would wish to support. For example, there is a significant demand for residential and nursing care homes that can meet the needs of people with challenging and complex needs, including dementia. KCC would encourage any

new residential care home provider to join the KCC Care Home Contract and to operate a mixed economy of both local authority funded and private funded residents. As such, KCC recommends that the applicant works with KCC Adult Social Services to develop the most appropriate form of care delivery.

Advisory on Supported Living Accommodation

The demand for supported-living accommodation (especially within the working-age population) has increased significantly. KCC would wish to see the dwelling mix of this development to include a proportion of this type of accommodation. As such, KCC recommends that the applicant works with KCC Adult Social Services to develop the most appropriate forms of care delivery.

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Waste

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRC's and WTS's are running at capacity and additional housing will create a significant burden on the manageability of waste in Kent.

A contribution of **£54.47 per household** is required towards the extension and/or upgrading of the existing Waste facilities Household Waste Recycling Centres which meet the needs of the Canterbury District to mitigate the impact arising from this development and accommodate the increased waste throughput within the Borough.

HWRC - catchment areas are not defined by the District/Borough boundaries, as residents are free to choose which HWRC they visit, regardless of which district/borough it lies within. Typically, residents choose a site based upon ease of access. This can be influenced by a number of factors including distance, site capacity or range of materials accepted.

A 20-minute drive time to an HWRC facility is advised within the WRAP (Waste and Resources Action Programme) Guide.

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Broadband: Fibre to the premise/gigabit capable

The NPPF (para 114) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all.

Please include a Planning Condition to provide 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity.

Developers are advised to make early contact with broadband providers, as there can be a lead in time for cable installation and associated infrastructure.

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Implementation

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement, and County monitoring fee of £500 for each trigger within the Agreement. We would be grateful if you could share at your earliest convenience a draft copy of any section 106 agreement or UU prior to its finalisation.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available. If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

We look forward to hearing from you with details of progress on this matter.

Yours sincerely

Vicky Thistlewood

Vicky Thistlewood
Development Contributions
Kent County Council

Cc

KCC, Education & Communities,
File

Appendices:

The following Appendices contain the technical details of the County Council's assessment process.

1. Education Assessment
2. Communities assessment
3. Social Care requirement
4. Waste Assessment

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KCC developer contribution assessment for Primary Education

District:	Canterbury	1-bed:	0
Site:	PROPOSED SOUTH CANTERBURY URBAN EXTENSION CANTERBURY	Houses:	4000
Plan ref:	CA/16/00600	Flats:	0
Date:	14/01/2022	Total units:	4000

Current and forecast pupils on roll for schools within

Canterbury City planning group

DFE no.	School	2020-21 (A)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)
2258	Blean Primary School	430	442	449	453	456	462
2654	Canterbury Primary School	392	403	404	403	396	397
2607	Parkside Community Primary School	103	94	89	91	87	89
2098	Pilgrims' Way Primary School	222	222	209	193	190	192
2000	St. John's CE Primary School (Canterbury)	363	373	379	381	395	397
3289	St. Peter's Methodist Primary School	205	212	217	219	223	228
2611	St. Stephen's Infant School	265	285	292	297	286	286
2608	St. Stephen's Junior School	423	419	419	424	453	467
3749	St. Thomas' RC Primary School (Canterbury)	209	216	221	226	228	231
5221	Wincheap Foundation Primary School	437	448	449	450	453	457
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		3,049	3,113	3,127	3,139	3,168	3,204
Required capacity to maintain 5% surplus capacity		3,209	3,277	3,292	3,304	3,335	3,373

Current and forecast capacity for schools within

Canterbury City planning group

DFE no.	School	2020-21 (A)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)
2258	Blean Primary School	420	420	420	420	420	420
2654	Canterbury Primary School	420	420	420	420	420	420
2607	Parkside Community Primary School	210	210	210	210	210	210
2098	Pilgrims' Way Primary School	315	315	315	315	315	315
2000	St. John's CE Primary School (Canterbury)	420	420	420	420	420	420
3289	St. Peter's Methodist Primary School	210	210	210	210	210	210
2611	St. Stephen's Infant School	270	270	270	270	270	270
2608	St. Stephen's Junior School	400	400	400	400	400	400
3749	St. Thomas' RC Primary School (Canterbury)	210	210	210	210	210	210
5221	Wincheap Foundation Primary School	420	420	420	420	420	420
Current and forecast capacity (1)		3,295	3,295	3,295	3,295	3,295	3,295

(1) including expansion projects at **existing schools** that have successfully passed through statutory processes but may not yet be complete

Expected pupil product from new developments within

Canterbury City planning group

Planning reference	Development	Houses	Flats	Primary product
CA/21/02517	Hoath Farm Unit 7 Old Hope House Hoath Farm Bokesbourne lane Canterbury CT3 4AB	2	0	1
CA/21/01990	Ld S of Talavera Rd, Canterbury CT1 1TQ	10	0	3
CA/21/01989	Howe Barracks Littlebourne Road Canterbury CT1 1TD	17	0	5
CA/20/01679	Westgate 46-47 High Street Canterbury Kent CT1 2SD	0	26	2
CA/18/01924	Buildings 1-7 Former St Mildreds Tannery Stour Street Canterbury CT1 2PH	8	16	3
CA/19/01886	Debenhams Plc, Guildhall Street, Canterbury, CT1 2JG	0	59	4
CA/19/01761	Newingate House, 16-17 Lower Bridge Street, Canterbury, CT1 2LG	0	10	1
CA/19/01463	Northgate Garage, Northgate, Canterbury, CT1 1FW	0	25	2
CA/19/01283	Trident Trailers, Gordon Road, Canterbury, CT1 3PP	0	6	0
CA/19/00116	Parham Student Village: 8-13 Albert Mews, 105 Sturry Road; 1-4 Riverdale House, Sturry Road; 1-3 Parham Close, Parham Road; 1-12 Becket Mews, Parham Close (S106)	1	11	0
CA/18/00970	Land at East of Kingsmead Field Stonebridge Road Canterbury	14	2	4
CA/17/02092	Canterbury Riverside, Kingsmead Road and Sturry Road, Canterbury, CT1 1SZ (S106)	14	107	0
CA/17/00800	11 Dover Street, Canterbury	0	12	1
CA/17/00519	Land adjacent to Cockering Farm, Thanington (S106)	394	6	0
CA/16/01429	The Garth, St Stephens Road, Canterbury, CT2 7HT (S106)	0	12	0
CA/16/00748	Former Wyevale Garden Centre, London Road, Upper Harbledown (S106)	15	2	0
New developments within the planning area		475	294	25
This development		4,000	0	1,120

Assessment summary

Detail	2020-21 (A)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from new developments)	86	18	3	-9	-40	-78
Expected pupil product from new developments	25	25	25	25	25	25
Surplus / (deficit) capacity including the expected pupil product from new developments	60	-7	-22	-34	-65	-103
Expected pupil product from this development	1,120	1,120	1,120	1,120	1,120	1,120
Surplus / (deficit) capacity including the expected pupil product from new developments and this development	-1,060	-1,127	-1,142	-1,154	-1,185	-1,223
Expected pupil product from this development that on current plans for school provision cannot be accommodated	1060	1,120	1,120	1,120	1,120	1,120

Background notes:

Pupil forecasts 2021 employed from September 2021. Incorporating roll data from Schools Census Autumn 2020. Data from the Health Authority includes pre-school children born up to 31st August 2020. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

KCC developer contribution assessment for Secondary (Years 7-11) Education

District:	Canterbury	1-bed:	0
Site:	PROPOSED SOUTH CANTERBURY URBAN EXTENSION CANTERBURY	Houses:	4000
Plan ref:	CA/16/00600	Flats:	0
Date:	14/01/2022	Total units:	4000

Note
Assumed housing mix used:
70% Houses
20% Applicable flats
10% 1-bed dwellings

Current and forecast pupils on roll for schools within		Canterbury City non-selective and Canterbury & Faversham selective planning groups									
DfE no.	School	2020-21 (A)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2027-28 (F)	
5426	Archbishop's School	538	532	535	543	551	564	572	574	574	
5444	Barton Court Grammar School	751	754	765	773	786	794	796	775	775	
5421	Barton Manor School	1,105	1,132	1,160	1,208	1,222	1,241	1,251	1,250		
4534	Simon Langton Girls' Grammar School	868	861	884	893	895	899	908	896		
5412	Simon Langton Grammar School for Boys	716	742	769	802	801	801	806	799		
5446	St. Anselm's Catholic School	909	918	947	963	984	1,005	1,018	1,019		
5449	Queen Elizabeth's Grammar School	759	761	753	757	748	734	712	711		
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		5,647	5,701	5,833	5,938	5,988	6,027	6,053	6,024		
Required capacity to maintain 5% surplus capacity		5,944	6,001	6,140	6,251	6,303	6,344	6,371	6,341		

Current and forecast capacity for schools within		Canterbury City non-selective and Canterbury & Faversham selective planning groups									
DfE no.	School	2020-21 (A)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)	2027-28 (F)	
5426	Archbishop's School	700	700	700	700	700	700	700	700	700	
5444	Barton Court Grammar School	750	750	750	750	750	750	750	750	750	
5421	Canterbury Academy	1,080	1,110	1,110	1,110	1,110	1,080	1,050	1,050		
4534	Simon Langton Girls' Grammar School	825	825	825	825	825	825	825	825		
5412	Simon Langton Grammar School for Boys	660	750	750	750	750	750	750	750		
5446	St. Anselm's Catholic School	900	900	900	900	900	900	900	900		
5449	Queen Elizabeth's Grammar School	700	710	720	760	800	840	870	900		
Current and forecast capacity (1)		5,615	5,745	5,755	5,795	5,835	5,845	5,845	5,875		

(1) Including expansion projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil product from new developments within		Canterbury City non-selective and Canterbury & Faversham selective planning groups			
Planning reference	Details	Houses	Flats	Secondary product	
CA/21/02951	Land Adj Margaret Cottage, Plain Hill, Whitstable, Kent, CT5 3BD	1	0	0	
CA/21/02787	Roady House, Aeronome Road, Bekebourne, Canterbury, CT4 9EX	7	0	1	
CA/21/02835	Barham Court Farm, Church Lane Barham Kent	22	0	4	
CA/21/02812	Southern Shalmsford St, Charham Village Centre Shalmsford St Charham Kent	30	0	6	
CA/21/02517	Hoath Farm Unit 7 Old Hope House Hoath Farm Bekebourne lane Canterbury CT3 4AB	2	0	0	
CA/21/01990	Ld S of Talavera Rd, Canterbury CT1 1TQ	10	0	2	
CA/21/01989	Hoove Barracks Littleborne Road Canterbury CT1 1TD	17	0	3	
CA/21/02191	Ld 10 Tards, 4 Mill Lane, Heme Bay	8	0	0	
CA/21/02165	The Priar Orchard, Hawthorn Burginog And Altons, The List, Grove Road, Wickhambreau, CT3 1RX	0	0	1	
CA/21/02034	The Vocations Centre, Northwood Rd, Whitstable CT5 2EY	0	9	0	
CA/21/01696	Ld Adj Old Thanet Way, Whitstable CT5 3FS	28	16	2	
CA/21/01657	Ld At The Hill, Littlebourne CT5 3FS	115	0	23	
CA/21/01018	Sweeth Farm Shurry Kent CT3 4FZ	3	0	0	
CA/21/00841	22-23 St Georges Terrace, Heme Bay	0	10	0	
CA/21/00719	Land Adjacent To Chapel House Maypole Road Hoath Canterbury Kent CT3 4LN	1	0	0	
CA/21/00158	Land at Hillborough South of Highfields Avenue, Heme Bay CT6 6S3	350	0	18	
CA/20/02826	Land at Shurry/Broad Oak, Shurry (S106)	555	54	0	
CA/20/02237	Two Acres, Hardres Court Road, Upper Hardres, Canterbury CT4 6EA	4	0	1	
CA/20/02119	Upper Horton Farm, Newhouse Lane, Canterbury CT6 7BN	1	0	0	
CA/20/01946	Eddington Park Heme Bay Golf Club, Thanet Way Heme Bay CT6 7PG (S106)	0	8	0	
CA/20/01854	49-55 Canterbury Road Whitstable Kent CT5 4HH	0	3	0	
CA/20/01628	Bellings Land South of Osborne Gardens Hillborough Heme Bay (S106)	175	0	0	
CA/20/01679	Westgate 46-47 High Street Canterbury Kent CT1 2SD	0	26	1	
CA/20/01048	White Gates Marley Lane Kingston Canterbury Kent CT4 6JH	1	0	0	
CA/20/00861	35-58 Central Parade, Heme Bay	0	10	0	
CA/20/00925	Montpelier, Clapham Hill, Whitstable	3	24	0	
CA/20/00713	83-84 High Street Heme Bay Kent CT6 5LE	0	7	0	
CA/20/00761	Spice Master, Island Road, East Of Stains Hill, Shurry	10	0	1	
CA/18/02299	Eddington Park Heme Bay Golf Club Thanet Way Heme Bay CT6 7PG (S106)	4	0	0	
CA/18/01924	Buildings 1-7 Former St Mildreds Tannery Stour Street Canterbury CT1 2PH	8	16	2	
CA/18/01886	Debenhams Plc, Guildhall Street, Canterbury, CT1 2JG	0	59	3	
CA/18/01761	Newingate House, 16-17 Lower Bridge Street, Canterbury, CT1 2LG	0	10	1	
CA/18/01463	Northgate Garage, Northgate, Canterbury, CT1 1PH	0	25	1	
CA/18/01283	Trident Trailers, Gordon Road, Canterbury, CT1 3PP	0	6	0	
CA/19/00296	Beach Street Car Park, Beach Street, Heme Bay, CT6 5JQ (S106)	17	8	0	
CA/19/00116	Parham Student Village: 8-13 Albert Mews, 105 Shurry Road; 1-4 Riverdale House, Shurry Road; 1-3 Parham Close, Parham Road; 1-12 Becket Mews, Parham Close	1	11	1	
CA/18/02131	Hoath Village Hall, Church Rd, Hoath, Canterbury	9	0	0	
CA/18/02290	Eddington Park, Heme Bay Golf Club, Thanet Way, Heme Bay, CT6 7PG (S106)	10	54	0	
CA/18/01380	Land at Loderfield, Vulcan Close, Whitstable	1	14	0	
CA/18/00970	Land at East of Kingsmead Field Stonebridge Road Canterbury	14	2	3	
CA/18/00868	Broad Oak Farm Sweechgate Broad Oak Shurry Kent CT2 OQR (S106)	402	54	0	
CA/18/00576	Scuffly Duck 10 William Street Heme Bay CT6 5EJ	0	20	0	
CA/17/02907	Land South of Greenhill Road Heme Bay (S106)	450	0	0	
CA/17/02092	Canterbury Riverside, Kingsmead Road and Shurry Road, Canterbury, CT1 1SZ (S106)	14	107	0	
CA/17/02017	41 Central Parade, Heme Bay	0	13	0	
CA/17/02053	Former Bus Depot, 74 High Street, Heme Bay	10	35	1	
CA/17/01886	Land at Hillborough, Sweechbridge Road, Heme Bay (S106)	818	50	0	
CA/17/00800	11 Dover Street, Canterbury	0	12	1	
CA/17/00469	Grasmere Gardens, Land South of The Ridgeway, Chestfield	300	0	15	
CA/17/00519	Land adjacent to Cockering Farm, Thanington (S106)	394	6	0	
CA/16/02931	Days Yard Shalmsbury Road, Whitstable	5	4	0	
CA/16/02426	54-65 Central Parade, Heme Bay, CT6 5JQ	0	7	0	
CA/16/01975	Land adjacent to Aspinall Close, Bekebourne, CT4 5DN (S106)	15	0	0	
CA/16/01502	Land adjoining Goose Farm, Shallask Road, Broad Oak, Canterbury, CT2 0QE	10	0	1	
CA/16/01429	The Gaith, St Stephens Road, Canterbury, CT2 7HT	0	12	1	
CA/16/00748	Former Wyevale Garden Centre, London Road, Upper Harbledown	15	2	3	
CA/16/00673	Land to the south of Island Road, former Chislet Colliery, Hersedon (S106)	293	0	0	
CA/16/00494	Handlens Farm, Island Road, Hersedon, Westbere (S106)	250	0	0	
CA/16/00554	Royal Oak Caravan Park, Sweechgate, Broad Oak, Shurry, CT2 0QP	13	0	1	
SW/21/506465	Land At Lady Dane Farm Love Lane Faversham Kent ME13 8YN	98	27	5	
SW/21/506326	Preston Court Canterbury Road Faversham Kent ME13 8LL	1	0	0	
SW/21/504909	Land East Of Unit 4 Upper Brents Industrial Estate And North Of Plot 29 Waterside Close Faversham Kent ME13 7DZ	3	0	0	
SW/21/502927	Land At Lady Dane Farm - Phase 2 Love Lane Faversham Kent ME13 8YN	82	3	4	
SW/21/502545	Railway Depot Station Road Faversham ME13 8GE	2	18	0	
SW/21/502766	Land At Preston Fields (South) Salkers Lane Faversham Kent ME13 8YD	70	0	4	
SW/20/503523	Land To Rear Of 142-146 The Street Boughton Under Bleau Kent ME13 9AP	5	0	0	
SW/20/501715	Land At Perry Court London Road Faversham Kent ME13 8RY	58	0	3	
SW/20/500015	Land At Abbeyfields Faversham Kent ME13 8HS	180	0	9	
SW/18/501428	Land adj Bull Lane Boughton-under-Bleau	16	0	1	
SW/16/508709	Former St Augustin's Abbey, Whatstanden Quay Faversham	10	0	1	
SW/16/508643	Land North Of Graveney Road Faversham (S106)	75	18	0	
SW/16/508602	Land At Preston Fields Salkers Lane Faversham	250	0	13	
SW/16/504575	Land To The East Of Ham Road Faversham Kent ME13 7ER (S106)	23	3	0	
SW/16/503847	10 - 11 Market Street Faversham Kent ME13 7AA	0	5	0	
AS/21/00548	Northdown Residential Care Home, Canterbury Road, Molash, Canterbury, Kent, CT4 8EX	1	4	0	
AS/20/01142	North Court Farm, Lower Lees Road, Chilham, Canterbury, Kent, CT4 8AU	4	0	1	
AS/20/01140	North Court Farm, Lower Lees Road, Chilham, Canterbury, Kent, CT4 8AU	3	0	1	
AS/20/00039	Land opposite Highdown west of, Mulberry Hill, Chilham	2	0	0	
AS/19/00483	Harvest House, Branch Road, Chilham	10	0	2	
New developments within the planning area		5,307	758	143	
This development		4,000	0	800	

Assessment summary		2020-21 (A)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from new developments)		-329	-256	-385	-456	-468	-499	-526	-466
Expected pupil product from new developments		143	143	143	143	143	143	143	143
Surplus / (deficit) capacity including the expected pupil product from new developments		-472	-399	-528	-599	-611	-643	-670	-609
Expected pupil product from this development		800	800	800	800	800	800	800	800
Surplus / (deficit) capacity including the expected pupil product from new developments and this development		-1,272	-1,199	-1,328	-1,399	-1,411	-1,443	-1,470	-1,409
Expected pupil product from this development that on current plans for school provision cannot be accommodated		800	800	800	800	800	800		

Background notes:

Pupil forecasts 2021 employed from September 2021. Incorporating roll data from Schools Census Autumn 2020. Data from the Health Authority includes pre-school children born up to 31st August 2020. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development that includes education contributions (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

▒ Data not available

APPENDIX 2

KCC Communities

Development Contributions Assessment

Site Name	Land South of Canterbury
Reference No.	CA/16/00600
District	Canterbury
Assessment Date	20/01/2022
Development Size	4,000

COMMUNITY LEARNING & SKILLS	
	Services
Current Service Capacity	2,478
LESS Current adult participation in Canterbury district	2,602
Initial capacity shortfall/surplus (Year ending 2019)	-124
New adult participation from this development	143.56 clients
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£16.42 per dwelling</u>
<i>4000 dwellings from this proposal</i>	<u>£65,680.00</u>
Contributions requested towards additional resources (including portable teaching and mobile IT equipment), and additional sessions and venues for the delivery of additional Adult Education courses locally.	

YOUTH SERVICE		
	Centre and Hub based Services	Outreach and Targeted Services
Current Service Capacity	2,492	1,342
LESS Current youth participation in Canterbury district	2,616	1,409
Initial capacity shortfall/surplus (Year ending 2019)	-125	-67
New youth participation from this development		200 clients
Will service capacity be exceeded?		YES
Contributions requested from this development		<u>£65.50 per dwelling</u>
<i>4000 dwellings from this proposal</i>		<u>£262,000.00</u>
Contributions requested towards additional resources and equipment to enable outreach services in the vicinity of the development.		

LIBRARIES	
Libraries assessed for this development	Library Stock and Services
Current Service Capacity	19,232
LESS Current library participation in Canterbury district	20,193
Initial capacity shortfall/surplus (Year ending 2019)	-962
New borrowers from this development	1166.4 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£55.45 per dwelling</u>
<i>4000 dwellings from this proposal</i>	<u>£221,800.00</u>
Contributions requested towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Canterbury Urban Area	

Net contributions requested for KCC Communities' Services	£549,480.00
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APPENDIX 3				
	Social Care			
	South Canterbury			
	CA/16/00600			
	4000 Households			
Canterbury	Project	Project name	Cost per Household	Cost for this Site
	Building Community Capacity	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the District.	£ 146.88	
			£ 146.88	£ 587,520.00
and	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)			

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KCC Waste Services

Development Contributions Assessment over the planning period 1/1/2017 to 31/12/2037

Site Name	Land South of Canterbury
Reference No.	CA/16/00600
District/Area	Canterbury
Assessment Date	20/01/2022
Development Size	4,000

Net Waste contributions requested:

Kent County Council is a statutory 'Waste Disposal Authority' meaning it is responsible for the receipt and onward processing/disposal of household waste, providing Waste Transfer Stations, Household Waste Recycling Centre Service and monitoring closed landfills. Kent residents make around 3.5 million visits to Household Waste Recycling Centres (HWRC) per year and each household produces an average of a quarter of a tonne of waste to be processed at HWRC's, and half a tonne to be processed at Waste Transfer Stations (WTS) annually. Kent's Waste Management services are under growing pressure with HWRC's and WTS's as at 2020 being over capacity .

Contributions may be sought towards the extension or upgrading of existing Waste facilities, or towards the creation of new facilities where a proposed development is likely to result in additional demand for Waste services. Existing Waste services will be assessed to determine the available capacity to accommodate the anticipated new service demands before developers are requested to contribute to additional provision. The proportionate costs of providing additional services for households generated from the proposed development are set out below:

B. HOUSEHOLD WASTE RECYCLING CENTRES (HWRC)

Additional households increase queuing times and congestion at HWRC's and increase throughput of HWRC waste.

1. Applicable dwellings from this development	4,000
<i>2. Applicable dwellings from ALL proposed developments for County-wide projects (up to 2030)*</i>	<i>64,200</i>
<i>3. Overall cost of increasing capacity for 64,200 new dwellings by 2030 (@ £54.47 per dwelling)</i>	<i>£3,496,974.00</i>
<i>4. Cost per dwelling (£3,496,974.00 / 64,100 new homes)</i>	<i>£54.47</i>
Contributions requested from this development	£54.47 per dwelling
<i>4000 dwellings from this proposal</i>	£217,880.00
Contributions requested towards increasing HWRC capacity at the Faversham centre.	
Net Contributions requested for KCC Waste from this development	
	£217,880.00

* Estimated

Note: These projects will be delivered once the money is collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

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KCC General Land Transfer Terms

1. The developer/landowner shall provide a formal desktop and if necessary intrusive land investigation report by a competent registered expert(s) confirming that the land and associated areas prior to transfer are:
 - i) free from the following, along with details of any works undertaken to mitigate:
 - contamination (including radiation),
 - protected species
 - ordnance
 - rubbish (including broken glass)
 - any adverse ground and soil conditions including subsidence, heave and land slip
 - occupation
 - archaeological remains
 - existing and planned noise generation from adjoining land that would require attenuation measures in the new school design.
 - poor air quality that would require mitigation measures in the new school design.
 - the presence of service mains that would impact on the ability of the land shall be developed for a new school, such as drains sewers, electricity cables, water mains, gas lines and other utility media crossing the land.
 - ii) above flood plain level, adequately drained and close to accessible public transport (bus stop or train station).
 - iii) If required, to a set of levels specified by County Council to allow construction of the new school to the requirements of the local planning authority.
2. Should any of the requirements in paragraph 1 not be satisfied the developer/owner shall implement at their own cost an agreed strategy of remediation/removal/rectification/diversion prior to transfer to KCC including liaison with all statutory authorities and obtaining necessary consents including those from neighbouring landowners if required.
3. Any remedial/removal/rectification/diversion works shall be designed prior to commencement by competent professional companies and with a collateral warranty in a standard industry form provided to and for the benefit of KCC or for the benefit of body nominated by KCC.
4. In the event that the site is used by the developer/land owner for construction or other activities after providing the report required under the provisions paragraph 1 of these terms (other than for the purposes of remedial/removal/rectification/diversion work), then the developer/land owner

is to provide additional reports to ensure that the above criteria have been met.

5. The land shall be transferred as a single undivided site, and in shape capable of accommodating sports pitches to the appropriate DfE guideline size and levels standard (Department for Education Technical Annex 2B: External Space and grounds – May 2019) for the type of school proposed.
6. The County Council shall be granted a Licence for access onto the land, prior to transfer for the purpose of surveying and carrying out technical investigations.
7. The land shall be clearly pegged out to the satisfaction of the delegated representative of KCC's Head of Property and fenced with GIS co-ordinates prior to completion of the transfer. The fencing shall be to a minimum standard of 1.80m high chain link security fencing on galvanised steel posts with double access gates secured by lock and key, or alternative specification agreed with KCC.
8. The land shall be transferred as freehold, unencumbered and conveyed to KCC with full title guarantee and vacant possession with no onerous covenants that would limit the use of the land as a school or restrict any ordinary activities of a school.
9. The land must not be within a consultation distance (CD) around a major hazard sites and major accident hazard pipelines, as determined by the Health and Safety Executive.
10. Prior to land transfer the developer/landowner is to provide, at their own cost and subject to KCC approval, suitable free and uninterrupted construction access to a suitable location on the site boundary. Haul roads should be constructed, at no cost to KCC, and maintained to a standard capable of accommodating HGV's and other construction traffic.
11. Prior to the land transfer the developer/landowner is to provide, at their own cost and subject to KCC approval adopted services and utilities to an agreed location(s) within the site boundary of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aide upon transfer. Utilities to include, fresh water, foul, surface water, gas, electricity and telecommunications with High Speed Fibre Optic Broadband (minimal internal speed of 1000mbps) connections to multi point destinations and capable of connection to commercial broadband providers. Necessary statutory undertakers' plant (such as electricity sub-stations or transfer stations) shall be located outside of the site boundary and KCC shall not be liable for any costs (including legal costs) associated with the installation and commissioning of such plant.
12. The owner shall provide the County Council with full surface water drainage rights to allow discharge of all surface water from the land. The surface water management requirements for the school site must be subject to approval by

the County Council at design stage and in accordance with the flood risk assessment and/or the drainage strategy approved pursuant to the relevant planning approval.

13. The developer/landowner shall provide temporary electricity, drainage and water supplies to the site from the start of construction if formal permanent utilities are not yet present.
14. Prior to use of the land for its intended purpose (i.e. a school), an adopted highway for vehicular and pedestrian use (or capable of being adopted), which is suitable for the intended use of the site is to be provided up to a suitable point on the site boundary with cross over together with a suitable alternative vehicular access for deliveries etc., if required. The highway and any alternative access shall be subject to approval by KCC and no maintenance charges shall be borne by KCC should the developer chose not to adopt the road. The developer/landowner is to provide measures such as crossing points, pedestrian and cycling routes on the adjoining highway networks as required by the Highway and Local Planning Authority to service the land.
15. The developer/landowner shall provide separate entrance and exit points on to the adoptable highway from the school site, capable of satisfying the Highway Authority's 'in and out' access requirements, guided by the design of the layout of the land.
16. No mobile phone masts, overhead cables etc shall be located within 250m of a school site and where possible the developer/landowner shall impose a covenant that none will be erected within this distance of any site boundary.
17. Rights shall be granted to KCC to enter so much of the adjoining land within the ownership of the Developer as is reasonably necessary to carry out construction works on the site. KCC shall be responsible for making good any disturbance caused to the reasonable satisfaction of the adjoining owner in the exercise of these rights.
18. The landowner shall be responsible for KCC's legal costs and surveyor's fees together with administrative costs incurred during negotiations of the terms of the land transfer and in completing the Section 106 Agreement , taking transfer of the land including Land Registry costs, the granting of any easements/licences, or any other documentation and any Project Management agreements related to the transfer of the land.
19. Plans of the site to a scale of 1:1250 shall be supplied to KCC prior to transfer of the land showing site levels, access, boundaries and details of any adjoining development. The plan shall be provided to KCC in a suitable electronic format together with paper copies. GPS Coordinates shall be marked on the plan.

20. Subject to the above, adjoining uses should not cause interference, conflict or be inappropriate in any way to the use of the land i.e. the curriculum delivery for schools. This includes, but is not restricted to, adverse conditions, disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting, etc.

PRIMARY SCHOOL Service Requirements – 2 Form Entry

INCOMING SERVICES

ELECTRICITY – 200 kVA (280A)

Electric Vehicle Charging:

- All car parking spaces for staff and visitors to have passive provision (i.e. ducting installed)
- 10% of all car parking spaces for staff and visitors (not including parents drop off) to have an electric charger installed.
- Electric Charger to be: Untethered, 22kwh Fast Charger, 34Amp AC, 3 Phase, smart.

GAS – 60 cu m/hr 430,000 kWh/year

WATER - 15 cu m / day, 4 l/s (63mm NB)

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

BROADBAND – Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future educational delivery. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

DRAINAGE

Surface water drainage shall be discharged in accordance with the approved surface water drainage strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

For general guidance on drainage design, it is required that surface water flows from the impermeable areas will discharge to the ground in the first instance per the drainage hierarchy set within Building Regulations H3; if underlying ground conditions are not acceptable, then the discharge rate from site shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed to equate to 4 l/s/ha from the total impermeable area or can be calculated per standard guidance approved by the LLFA.

There may be occasions where the management of the surface water runoff generated from within the school site may be included within the provision for the wider development site through a strategic surface water drainage system. This however must comply with the allowances and provisions specified within the Drainage Strategy which was approved as part of the original site-wide planning application. The applicant must contact the LLFA if this approach is pursued.

It is required that the surface water drainage system provides a level of service such that the drainage network does not surcharge for 1 in 1 year event, does not result in flooding within the site for the 1 in 30 year event and manages the 1 in 100 year plus climate change event within the site boundaries. The drainage network arrangement must provide adequate access for inspection and maintenance.

Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

NOTE

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

SECONDARY SCHOOL Service Requirements – 8 Form Entry

INCOMING SERVICES

ELECTRICITY – 380 kVA for main base building with additional capacity/supplies for:

- 10% active and 10% passive electrical vehicle chargers as a minimum or in accordance with planning requirements if higher. This means electrical infrastructure to allow for 20% of parking spaces with EVCs and 10% installed on day
- External lighting (car parks, MUGAs etc)
- Life safety systems such as fireman's lifts, sprinklers, smoke ventilation.

GAS – 134 cu m/hr 1,440 kWh

WATER - 5.5 l/s (63mm NB)

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

BROADBAND – Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations to all buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future educational delivery. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

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Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

July 2020



ECOLOGICAL ADVICE SERVICE

TO: *Joanne Dymowska*

FROM: *Stefanie Bramley MCIEEM*

DATE: *21st January 2022*

SUBJECT: *CA/16/00600 Land north and south of New Dover Road, Canterbury*

The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.

The additional information for this planning application includes an update to the previously submitted ecological information. The *Letter from Samuel Durham* confirms that “*Based on the findings of the August 2021 habitat survey, there are no ecologically significant differences between the type, extent, arrangement and condition of habitats recorded during the 2018/19 baseline update and during the August 2021 update habitat survey.*”

With regards to the potential for ecological impacts to arise as a result of the proposed development, we are satisfied that an appropriate level of ecological survey work has been undertaken to ensure the planning decision is informed by adequate up-to-date information.

The submission also includes the *Statement Regarding Predicted Biodiversity Net Gain*, in which it is confirmed that “*the applicant has set a 15% BNG (biodiversity net gain) target for the project*”. The approach to assessing the baseline biodiversity units and the predicted BNG is acceptable, and we note the conclusion that BNG (with the exception of hedgerows) will not be achievable on-site.

The applicant has therefore committed to delivering or funding off-site habitat creation and enhancement to reach the 15% BNG. This will need to be secured in a s106 agreement.

Farmland birds

We previously highlighted that the proposed development will result in the permanent loss of farmland bird habitat used by skylarks and yellowhammers. No mitigation was reported to be available, and at that time we reluctantly accepted that without a strategic delivery plan, it was not realistic for the applicant to compensate for this loss of farmland bird habitat.

With the applicant's undertaking to deliver off-site habitat creation in order to achieve the 15% BNG, we believe this also provides an opportunity for the applicant to provide compensatory habitat for farmland birds. Skylarks and yellowhammers are both species of principal importance / BAP species, and Canterbury CC should make particular effort, under the NERC Act 2006 'Biodiversity Duty', to conserve species of principal importance and there is now a greater opportunity for the planning decision to do so.

Suggested condition wordings

Site-wide ecological mitigation and enhancement strategy

No development (including any ground works, site or vegetation clearance) will commence until a site-wide ecological mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy will be informed by up-to-date ecological surveys and assessments (as necessary), will accord with the construction and operational mitigation and enhancement measures identified in the Environmental Statement and will set out the principles for ecological mitigation and enhancement, for all ecological receptors including farmland birds and including the delivery of 15% biodiversity net gain. The strategy will include prescriptions for and details of the approach to phasing of site-wide mitigation, compensation and enhancement delivery, including measures to protect biodiversity during construction, habitat creation, green infrastructure provision, ecological enhancement measures and the green bridge.

Phased ecological mitigation and enhancement plans

No development will take place in any phase (including any ground works, site or vegetation clearance) until a detailed ecological mitigation and enhancement plan for that phase has been submitted to, and approved in writing, by the local planning authority. The plan will be based upon the approved site-wide ecological mitigation and enhancement strategy, and the content of each detailed plan will be informed by updated specific species surveys (as necessary) and will include:

- a) Purpose and objectives for the proposed works*
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives*
- c) Extent and location of proposed works, including all necessary receptor sites, shown on appropriate scale maps and plans*
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction*
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works*
- f) Use of protective fences, exclusion barriers and warning signs*
- g) Details of temporary management measures to be put in place prior to full implementation of the landscape and ecological management and monitoring plan.*

The works will be carried out in accordance with the approved details and will be retained in accordance with the approved details.

Landscape and Ecological Management and Monitoring Plan (LEMMP)

No development beyond the construction of foundations will take place in any phase until a Landscape and Ecological Management and Monitoring Plan (LEMMP) has been submitted to, and been approved in writing by, the local planning authority. To ensure a coherent approach to management and monitoring of ecological mitigation and enhancement measures (including BNG), the LEMMP will be updated at each phase to incorporate and review approved management plans for earlier phases and, upon development of the last phase will provide a single LEMMP for the entire development. The content of the LEMMP will include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions, together with plan(s) of management compartments
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period in perpetuity)
- g) Details of the body(ies) or organisation(s) responsible for implementation of the plan
- h) Ongoing species and habitat monitoring in relation to ecological mitigation and delivery of biodiversity net gain
- i) Provision for the implementation of remedial measures
- j) Timetable for management plan review.

The LEMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Site-wide lighting strategy for biodiversity

No development will take place until a site-wide 'lighting design strategy for biodiversity' has been submitted to and approved in writing by the local planning authority. The site-wide lighting strategy will:

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and where lighting is likely to cause disturbance in or around breeding sites and resting places or along important routes used to access key areas of their territory
- b) Identify areas in which 'dark corridors' for biodiversity will be maintained
- c) Provide specifications for external lighting to minimise biodiversity impacts.

Phased lighting strategy for biodiversity

Prior to occupation of any phase, a detailed lighting strategy for biodiversity will be submitted to, and approved by, the local planning authority. The detailed lighting strategy will be in accordance with the approved site-wide 'lighting design strategy for biodiversity' and will show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent badgers and bats using their territory or having access to their breeding sites and resting places.

All external lighting will be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

We would be happy to liaise further to ensure that, if planning permission is granted, all planning conditions securing ecological matters are appropriately worded.

If you have any queries regarding our comments, please contact me.

Stefanie Bramley MCIEEM
Biodiversity Officer

This response was submitted following consideration of the following document(s):
Letter from Samuel Durham, Lloyd Bore Ecology to Joanne Dymowska, Canterbury City Council dated 10th September 2021.
Statement Regarding Predicted Biodiversity Net Gain. Lloyd Bore Ecology. December 2021.